

MEETING  
STATE OF CALIFORNIA  
THE RECLAMATION BOARD  
OPEN SESSION

RESOURCES BUILDING  
1416 NINTH STREET  
AUDITORIUM  
SACRAMENTO, CALIFORNIA

THURSDAY, DECEMBER 20, 2007

9:04 A.M.

JAMES F. PETERS, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Mr. Benjamin Carter, President  
Mr. Butch Hodgkins, Vice President  
Ms. Lady Bug Doherty, Secretary  
Ms. Rose Marie Burroughs  
Mr. John Brown  
Ms. Teri Rie  
Ms. Emma Suarez

STAFF

Mr. Jay Punia, General Manager  
Mr. Stephen Bradley, Chief Engineer  
Mr. Eric Butler, Senior Engineer  
Ms. Nancy Finch, Legal Counsel  
Mr. Dan Fua, Supervising Engineer  
Mr. Scott Morgan, Legal Counsel  
Ms. Lorraine Pendlebury, Staff Assistant

DEPARTMENT OF WATER RESOURCES

Mr. Jeremy Arrich  
Mr. Gary Bardini, Chief, Hydrology & Flood Operations  
Ms. Oliva Guebara  
Mr. Noel Lerner, Acting Chief, Flood Maintenance Office

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APPEARANCES CONTINUED

STAFF

Ms. Elissa Lynn, Senior Meteorologist

Mr. Keith Swanson, Acting Chief, Division of Flood  
Management

Mr. Ward Tabor

ALSO PRESENT

Ms. Mary Akens, California Resources Agency

Mr. Roger Churchwell, San Joaquin Area Flood Control  
Agency

Mr. Henry Rodegerdts, Colusa County Counsel

Ms. Debra Smith, California Attorney General's Office

Mr. Dale Whitmore, California Department of Fish & Game

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1 PROCEEDINGS

2 PRESIDENT CARTER: Good morning, ladies and  
3 gentlemen. Welcome to the State Reclamation Board.

4 Let the record reflect that we are entering into  
5 closed session, as agendized.

6 If I could, before we do that, if the General  
7 Manager would please call the roll.

8 GENERAL MANAGER PUNIA: Jay Punia, General  
9 Manager, Reclamation Board.

10 For the record, except Board Member Teri Rie, the  
11 rest of the members are present.

12 PRESIDENT CARTER: Thank you, Jay.

13 So we will start with our agenda for today, Item  
14 2, Closed Session, to discuss litigation, Natural  
15 Resources Defense Council, versus The Reclamation Board,  
16 case number 06CS01228.

17 (Thereupon the Board recessed into closed  
18 session at 9:05 a.m.)

19 (Thereupon the Board reconvened into  
20 open session at 10:18 a.m.)

21 PRESIDENT CARTER: Good morning, ladies and  
22 gentlemen. If everybody could take their seats, we will  
23 go ahead and continue with our meeting.

24 Welcome to the State Reclamation Board meeting  
25 for December 20.

1           Let the record show and I want to inform the  
2 members of the public that the Board did meet in closed  
3 session as agendized for today to discuss litigation. We  
4 also -- as agendized, we also postponed the annual  
5 performance review of the General Manager, which we will  
6 reschedule for a future meeting.

7           So at this point we are on to Item 3, Approval of  
8 the agenda. We'll entertain a motion.

9           And for everyone's reference, we are referring to  
10 specifically the agenda for today. As you'll note, on the  
11 agenda that was mailed out we have a separate agenda for  
12 tomorrow and an opportunity to approve that agenda  
13 tomorrow in tomorrow's meeting.

14           So we are just considering items that are on the  
15 agenda for today's date, December 20.

16           Mr. Punia.

17           GENERAL MANAGER PUNIA: Item 7, Consent  
18 Calendar - Property Management. There is -- based upon  
19 the staff report which was given to you, subsequently  
20 there is minor changes, which Olivia Guebara can explain  
21 to the Board. It's up to the Board whether they want to  
22 keep it under consent or if they want to move it from  
23 consent to an action item.

24           PRESIDENT CARTER: If we want to have discussion  
25 about these, we need to remove them from the consent

1 calendar.

2 What's the pleasure of the Board?

3 SECRETARY DOHERTY: Remove.

4 PRESIDENT CARTER: Okay. So we will move Item 7A  
5 and B to requested actions.

6 Okay. Any other changes to today's agenda?

7 BOARD MEMBER RIE: I was just wondering if it's  
8 possible to move Item 10 to 11:30 if there's time. Or do  
9 we need to keep it at 1:30?

10 STAFF COUNSEL MORGAN: No, I'm afraid once the  
11 times are posted, they're set. You can't adjust the times  
12 because that's part of the posted agenda.

13 BOARD MEMBER RIE: Okay.

14 GENERAL MANAGER PUNIA: Plus there is a --  
15 Department of Water Resources staff is planning to address  
16 the Board also, and they are scheduled to come at 1:30.

17 BOARD MEMBER RIE: Okay.

18 PRESIDENT CARTER: Very good.

19 Any other proposed changes?

20 So we have a -- the proposal before the Board for  
21 approval of the agenda is to keep the agenda as is with  
22 the one change of removing 7 -- consent item 7A and B to  
23 "Requested Actions" for discussion.

24 Everybody understand what the proposal is?

25 SECRETARY DOHERTY: I'll make a motion that we



1 approve the agenda with changes as suggested, of Item 7  
2 from consent to request.

3 PRESIDENT CARTER: Okay. Is there a second?

4 VICE-PRESIDENT HODGKINS: Second.

5 PRESIDENT CARTER: I have a motion and a second.

6 Any further discussion?

7 All those in favor indicate by saying aye.

8 (Ayes.)

9 PRESIDENT CARTER: And opposed?

10 BOARD MEMBER BURROUGHS: Aye.

11 PRESIDENT CARTER: Motion carries.

12 All right. We'll move on to Item 4. This is a  
13 time where we allocate to the public to address the Board  
14 on items that are not agendized for today. There will be  
15 opportunity for the public to address the Board on  
16 agendized items when we discuss those items.

17 So we invite members of the public to address the  
18 Board on unagendized items. Please fill out -- there are  
19 3 by 5 cards on the table at the entrance to the  
20 auditorium. Also Ms. Pendlebury has them here at the  
21 front. If you wish to address the Board, please fill  
22 those out so that we know to recognize you.

23 And at this point I don't have any cards. So  
24 I'll just -- are there any members of the public that wish  
25 to address the Board at this time?

1           Okay. Very good.

2           We'll move on to Item 5. We have some ceremonial  
3 matters. As everyone knows, the Board is kind of in  
4 transition at this point. This is our -- or actually  
5 tomorrow will be our last meeting as the State Reclamation  
6 Board. And in the new year the Board is being renamed the  
7 Central Valley Flood Protection Board.

8           In relation to that, as well as some other  
9 considerations, there are some folks that have been  
10 serving the Board for a number of months and years that  
11 we'd like to recognize as they move on.

12           Some of them are retiring. Some of them are  
13 moving on the new jobs.

14           But in any case, I would like to ask Mr. Morgan  
15 and Mr. Bradley, Ms. Finch, and Mr. Fong to please join me  
16 up here, if you would. Or maybe I'll -- I'll come down to  
17 the podium.

18           Nancy's not here? Did she leave?

19           Okay. The first one is we have a resolution for  
20 Mr. Jeffrey Fong? And I'm going to read each of these  
21 into the record.

22           This is Resolution No. 0708.

23           There's Nancy.

24                        "Whereas, Mr. Jeffrey Fong is  
25           retiring from the California Department

1 of Water Resources after 37 years of  
2 service, and he's served more than ten  
3 years of which has been property manager  
4 for the State Reclamation Board; and

5 "Whereas, Jeff managed the  
6 properties owned and leased by the Board  
7 and ensured that the interests of the  
8 Board is represented in a fair and  
9 balanced manner; and

10 "Whereas, Jeff provided invaluable  
11 assistance to the Board in identifying  
12 compatible secondary uses by others and  
13 disposal of excess Board properties for  
14 the benefit of the state and its  
15 citizens; and

16 "Whereas, Jeff provided invaluable  
17 assistance to the Board in encroachment  
18 issues and permitting of encroachments  
19 on the state's flood control system; and

20 "Whereas Jeff's high degree of  
21 professionalism has earned him the  
22 trust, respect, and friendship of the  
23 Board members, staff, and members of the  
24 public.

25 "Now, Therefore, Be It Hereby

1           Resolved, that we extend to Jeff our  
2           highest commendation and our most  
3           sincere appreciation for his services to  
4           The Reclamation Board and the State of  
5           California; and

6                 "Be It Further Resolved, that the  
7           Board extends its most sincere wishes to  
8           Jeff as he continues on in his personal  
9           endeavors; and

10                "Be It Further Resolved, that this  
11           resolution be engrossed into the  
12           official minutes of the Board and a  
13           suitable copy here provided to Jeff."

14           It is dated on today's date, signed by myself and  
15   Secretary Maureen Doherty.

16           Jeff, congratulations.

17           PROPERTY MANAGER FONG: Thank you very much.

18           PRESIDENT CARTER: We wish you the very best  
19   wishes.

20           (Applause.)

21           PRESIDENT CARTER: This is one of the fun parts  
22   of this job actually.

23           Mr. Morgan.

24           On a personal note on this, I for one have  
25   enjoyed working with Scott over the last two years and am

1 in particular going to miss his dry sense of humor, for  
2 those of you who know him.

3 (Laughter.)

4 PRESIDENT CARTER: Anyway, we have Resolution No.  
5 0709.

6 "Whereas, Mr. Scott Morgan has served as legal  
7 counsel for the Reclamation Board from February 2003 to  
8 December 2007."

9 That's a little over -- let's see, that's a  
10 little over five years?

11 STAFF COUNSEL MORGAN: Almost five.

12 PRESIDENT CARTER: Almost five? Nearly five.

13 "Whereas, Scott provided invaluable  
14 legal advice and assistance to the Board  
15 members and staff, represented the  
16 Board's interests in a fair balanced  
17 manner, demonstrated a high level of  
18 composure during many tense board  
19 meetings, and provided critical support  
20 and guidance in implementing the  
21 California Water Code and Code of  
22 Regulations; and

23 "Whereas, Scott's good sense of  
24 humor and broad background, which  
25 includes a degree in geology and work

1           experience as a geologist with an oil  
2           company before becoming a lawyer (change  
3           in career), greatly contributed to  
4           success in working with engineers,  
5           geologists, hydrologists, and other  
6           flood control related professionals; and

7                 "Whereas, Scott provided critical  
8           legal support and guidance in the  
9           Board's defense against a lawsuit by the  
10          Natural Resources Defense Council; and

11                "Whereas, Scott was instrumental in  
12          educating the Board about the  
13          Bagley-Keene Act meeting requirements,  
14          of which we needed much help;

15               Whereas, Scott's tireless advocacy  
16          for public safety has earned him the  
17          trust and respect and friendship of  
18          Board members, staff, and members of the  
19          public.

20               "Now, Therefore, Be It Hereby  
21          Resolved, that we extend Scott our  
22          highest commendation and our most  
23          sincere appreciation for his service to  
24          the Reclamation Board; and

25                "Be It Further Resolved, that the

1 Board extends its most sincere wishes to  
2 Scott as he begins a new assignment in  
3 the Office of Chief Counsel within the  
4 Department of Water Resources; and

5 "Be It Further Resolved, that this  
6 resolution be engrossed into the  
7 official minutes of the Board and a  
8 suitable copy provided to Scott."

9 It is also dated on today's date, signed by  
10 myself and Secretary Maureen Doherty.

11 Scott, congratulations.

12 STAFF COUNSEL MORGAN: Thank you.

13 (Applause.)

14 PRESIDENT CARTER: Mr. Bradley. This is  
15 Resolution 0707. Too bad it couldn't have been 007.

16 (Laughter.)

17 PRESIDENT CARTER: "Whereas, Mr.  
18 Steve Bradley began his career with the  
19 State of California in February of 1999  
20 and has served as Chief Engineer of The  
21 Reclamation Board from September 2000 to  
22 December 2007" -- over 7 years -- "and

23 "Whereas, Steve is a Registered  
24 Professional Civil Engineer who came to  
25 state service with a combined 20 years

1 of experience as a senior water  
2 resources engineer and project manager  
3 in the private sector and as a hydraulic  
4 engineer and design engineer for two  
5 federal agencies; and

6 "Whereas, Steve has been an active  
7 member of the Flood Plain Management  
8 Association since 1997, including  
9 serving as a member of the Board of  
10 Directors and as Chair of the  
11 association; and

12 "Whereas, Steve's professional  
13 experience and personal knowledge of the  
14 Central Valley flood protection system  
15 has influenced his work with the Board  
16 and contributed greatly to his  
17 accomplishments as Chief Engineer; and

18 "Whereas, Steve's unrelenting  
19 commitment to professional engineering  
20 standards, his dedication to preserving  
21 the integrity of the state's system of  
22 flood protection, and his impartial  
23 review and analysis of projects brought  
24 to the Board have earned him the  
25 unstinting praise of his peers."



1 (Laughter.)

2 PRESIDENT CARTER: "Now, Therefore,  
3 Be It Resolved, that we extend to Steve  
4 our highest commendation and our most  
5 sincere appreciation for his services to  
6 the Board, the property owners protected  
7 by the system of flood protection under  
8 the Board's jurisdiction, and the  
9 citizens of the State of California; and

10 "Be It Further Resolved, that the  
11 Board extends its most sincere wishes to  
12 Steve as he begins his new assignment  
13 with the Department of Water Resources,  
14 leading the effort to develop the State  
15 Plan of Flood Control; and

16 "Be It Further Resolved, that this  
17 resolution be engrossed in the official  
18 record and minutes of the Board and a  
19 suitable copy provided to Steve."

20 It too is signed on today's date by myself and  
21 Ms. Doherty.

22 And, Steve, congratulations.

23 (Applause.)

24 PRESIDENT CARTER: Last but not least, Ms. Finch.  
25 This is Resolution Number 0711. Seven eleven, that's a

1 lucky number.

2 (Laughter.)

3 PRESIDENT CARTER: "Whereas, Ms.

4 Nancy Finch served as legal counsel

5 under the Reclamation Board from

6 September 2006 to December 2007" -- a

7 little over 15 months -- "and

8 "Whereas, Nancy provided invaluable

9 legal advice and assistance to the Board

10 members and staff and provided critical

11 support and guidance in implementing the

12 California Water Code and Code of

13 Regulations; and

14 "Whereas, Nancy provided critical

15 legal support and guidance in the

16 Board's defense against a lawsuit by the

17 National Resources Defense Council; and

18 "Whereas, Nancy provided legal

19 advice to Board staff in matters

20 relating to environmental compliance;

21 and

22 "Whereas, Nancy's knowledge of

23 environmental regulations as it relates

24 to flood control has earned her the

25 trust, respect, friendship of Board

1 members, staff and members of the  
2 public.

3 "Now, Therefore, Be It Resolved,  
4 that we extend to Nancy our highest  
5 commendation and our most sincere  
6 appreciation for her services to the  
7 Reclamation Board; and

8 "Be It Further Resolved, that the  
9 Board extends its most sincere wishes to  
10 Nancy as she begins a new assignment in  
11 the Office of Chief Counsel within the  
12 Department of Water Resources; and

13 "Be It Further Resolved, that this  
14 resolution be engrossed into the  
15 official minutes of the Board and a  
16 suitable copy provided to Nancy."

17 Dated on today's date, signed by myself and  
18 Secretary Doherty.

19 Nancy congratulations. Thank you very much.

20 (Applause.)

21 PRESIDENT CARTER: Thank you very much.

22 Mr. Punia had a couple things to say.

23 GENERAL MANAGER PUNIA: General Manager Jay  
24 Punia.

25 As the General Manager, obviously to lose such

1 talent, I'm concerned. But recently in Sacramento there  
2 was a big function organized by the Buddhist Temple. And  
3 they built a big structure and invited Buddhist monks from  
4 various places, and then they destroyed that structure.  
5 And then they demonstrated that the only thing which is  
6 constant is the change. So obviously we are going through  
7 a big change in our Reclamation Board. And I want to  
8 assure that we will regroup and try to match the talent  
9 they have so that we can continue to provide the public  
10 safety. And I'm going to miss all of them. They provided  
11 excellent public service.

12           Jeff Fong, 30 years state service, is a fine  
13 example of public service. Any time I asked anything, he  
14 delivered.

15           Scott Morgan, he said his job is to keep my name  
16 out of Sacramento Bee's headlines, and he accomplished  
17 that.

18           (Laughter.)

19           GENERAL MANAGER PUNIA: Steve Bradley. If the  
20 permit is reviewed by Steve Bradley, I was confident that  
21 I can sign it with confidence without devoting much time,  
22 because he always understood the completed staff work and  
23 paid the details it needed. And it was a great feeling to  
24 have Steve as the Chief Engineer of The Reclamation Board.

25           Nancy, great talent, CEQA experts. And along

1 with Scott, I think she kept us out of the Sacramento Bee  
2 headlines. And I appreciate their help.

3 Thank you.

4 (Applause.)

5 BOARD MEMBER RIE: Mr. President, did you want a  
6 motion to approve those resolutions?

7 PRESIDENT CARTER: I'd be delighted to entertain  
8 a motion to approve those resolutions.

9 BOARD MEMBER RIE: I got down the 07s and the  
10 711. And I think there was an 0709. And then there's two  
11 more?

12 PRESIDENT CARTER: An 0708.

13 BOARD MEMBER RIE: 08. And then --

14 PRESIDENT CARTER: We do have one more. And I  
15 would ask the Board to maybe table this particular item  
16 until the recipient of that resolution is able to join us,  
17 which will be after lunch and that's Resolution No. 0710.

18 BOARD MEMBER RIE: I move to approve Reclamation  
19 Board Resolutions 0707, 0708, 0709, 0710, and 0711, and  
20 move to continue the ceremonial agenda item until after  
21 lunch.

22 VICE-PRESIDENT HODGKINS: Second.

23 PRESIDENT CARTER: Okay. We have a motion and a  
24 second.

25 Any discussion?

1 All those in favor indicate by saying aye.

2 (Ayes.)

3 PRESIDENT CARTER: And opposed?

4 Thank you very much. Motion carries.

5 All right. Now, we're on to Item 6, Report of  
6 the Activities of the Department of Water Resources.

7 Mr. Swanson. Good morning.

8 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

9 SWANSON: Good morning. Keith Swanson, acting Chief of  
10 the Division of Flood Management.

11 As some of you know, I just returned from 23 days  
12 in Millau and Thailand. So if in the middle of the speech  
13 I glaze over and just have a big smile on my face, I ask  
14 for your indulgence, because it was a wonderful trip and  
15 I'm not quite over the jet lag yet.

16 One of the things that is occurring -- I'm not  
17 sure if you guys are aware of it and I'm not sure if you  
18 have time on your schedule -- but Sac Yard is having its  
19 annual Christmas lunch today. And so if you have time,  
20 you guys are certainly welcome. We're we'll be serving  
21 food at 12 o'clock. So if you can squeeze it in, you're  
22 more than welcome. And I know in the past you've been  
23 able to share with us a Christmas spirit.

24 Moving on to actual business. In the report we  
25 provided an update on the water conditions. And I'm not

1 going to go over that because we've got Elissa Lynn coming  
2 this afternoon as part of Item 11. And why listen to me  
3 when you can listen to her. So I'll put off any comments.

4 As far as the urban levee evaluation program, to  
5 continues to progress. We've got active drilling going on  
6 in southern California -- or Sutter County, Stockton,  
7 Marysville, Natomas, and RD 17. The electromagnetic  
8 survey work that you've heard about in the past has been  
9 complete. We're almost through with processing it and  
10 we're disseminating the data out to the Corps and the  
11 interested stakeholders as soon as the data is available.

12 Bathymetric surveys were started in December in  
13 the urban areas, and networks winding down. We finished  
14 Phase 1 geotechnical reports for West Sacramento and  
15 Sutter County, and we shared that information with  
16 stakeholders. And we should have the Phase 1 reports done  
17 for Marysville and Yuba City early on this coming year.

18 Urban Levee Evaluation Program is moving forward.  
19 We've been negotiating with URS and Kleinfelder &  
20 Associates. And we hope to have the contracts in place  
21 fairly soon with an anticipated start date in April 2008.

22 Erosion Repair Program is moving forward. One of  
23 the things that was included in the recent WRDA bill that  
24 was passed was an increase in authorization for the Sac  
25 Bank program. That was increased to 85,000 lineal feet.

1 I think that will be coming in front of the Board for  
2 approval. That gives us a couple more years of the Sac  
3 Bank program, which is a -- you know, has been one of the  
4 major vehicles to complete erosion repairs on the  
5 Sacramento River Flood Control Project. So that's  
6 something positive and it gives us a little bit more time  
7 to figure out what we're going to do as far as either a  
8 Phase 3 or some other way of handling ongoing erosion  
9 problems.

10 As far as critical erosion repairs, we finally  
11 completed all the evaluations on the San Joaquin River  
12 system. We identified four sites that will qualify for  
13 that program. And we'll be moving forward hopefully next  
14 summer with repair activities. Two of them are seepage  
15 sites, one in RD 404 and the other on the Chowchilla  
16 Bypass. And then there's two erosion repairs that are  
17 anticipated, one on the Paradise Cut and then the other  
18 one on Mormon Slough. Again, construction is anticipated  
19 next summer.

20 SECRETARY DOHERTY: Where are the ones on Cache  
21 Creek, the setback levees?

22 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

23 SWANSON: The Cache Creek setback levees I think are  
24 downstream of I-5. And those are, you know, right now --

25 SECRETARY DOHERTY: Is that one of the ones you



1 showed us last year?

2 PRESIDENT CARTER: That's near Huff's Corner

3 or --

4 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

5 SWANSON: No, downstream of --

6 PRESIDENT CARTER: Downstream --

7 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

8 SWANSON: Downstream, yeah.

9 PRESIDENT CARTER: Oh, okay. There was one that  
10 was downstream.

11 SECRETARY DOHERTY: -- up above and then there  
12 was one downstream.

13 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

14 SWANSON: There were three that were completed. Two, you  
15 know, in the vicinity of Huff's Corner out on the other  
16 side. And then one downstream of I-5. And now the two  
17 other ones that we're contemplating fixing are downstream.

18 SECRETARY DOHERTY: Okay.

19 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

20 SWANSON: There's a couple -- there's six Order 2 sites in  
21 RD 150 and 56 Order 3, 4, and 5 sites that the Corps is  
22 working on. Those will be progressing into construction  
23 next summer. There were some environmental issues with  
24 the Order 3,4, and 5 sites that prevented the work to be  
25 completed this year. And then the six Order 2 sites in RD

1 150 were just recently added by the Corps. And so that  
2 work should be progressing next summer.

3 On the maintenance front, we did in fact finish  
4 Tisdale Bypass. Bottom line was 1,700,000 cubic yards of  
5 sediment removed.

6 We're working on a couple of small grading  
7 issues. One is at Ron Wong's pumps. And we're working  
8 with Ron to get that resolved.

9 And then there's a little bit of issue over in  
10 the spoil area, and making sure that the grading's right  
11 on that. And we'll be working to get that resolved in the  
12 coming weeks and months.

13 And then staff will be in front of you tomorrow  
14 with a request to move forward on our mitigation proposal  
15 down in the Colusa area. And there'll be a presentation  
16 on that tomorrow.

17 Garmire Road Bridge replacement is moving  
18 forward. And that's another piece of getting Tisdale  
19 Bypass to work in a more efficient manner.

20 There was a bid opening on that. The bid was 7  
21 million, which is 2.8 million below the engineer's  
22 estimate. And so this downturn in the economy is  
23 manifesting itself in better bid prices. We saw it at  
24 Tisdale Bypass sediment removal and certainly on this  
25 bridge project. So that's good news.

1           The contract hasn't been formally awarded yet.  
2   Sutter County is waiting for the money to transfer from  
3   the federal government through CalTrans. That's imminent,  
4   and we anticipate that it will be forthcoming in the near  
5   future. And the two-year construction should start in May  
6   without any hitches. And that was the schedule all along  
7   for that.

8           The Knights Landing maintenance agreement is  
9   moving forward. As you recall, Castle Properties made a  
10   commitment to the Board to clean up those levees. And, in  
11   fact, they've done a good job of getting those levees in  
12   shape.

13          Knights Landing Ridge Drainage District has  
14   stepped forward and said that they'll step up and operate  
15   and maintain those levees. I think we're working through  
16   the last issues. It's my understanding that the Knights  
17   Landing Ridge Drainage District has approved a resolution  
18   to take over the operation and maintenance. They've  
19   delegated the authority to Lew Bair to sign the agreement.

20          There's one last issue where Knights Landing and  
21   Castle are working on limits to liability in the event  
22   that the Corps's veg management policy rears its head up  
23   and that there's some kind of mitigation bill due for  
24   future work and Castle wants to limit their potential  
25   liability on that. And so I think they're working out

1 that last little issue. And we anticipate that that's  
2 going to be resolved fairly soon and this will move  
3 forward and it will be a done deal.

4 So good news on that front.

5 As far as project development, we provided some  
6 information trying to get the Board more informed on  
7 what's going on with some of our core projects. The joint  
8 federal project at Folsom continues to be a model project.  
9 You know, it's really a good example of cooperation.  
10 There's going to be a groundbreaking ceremony on January  
11 11th that probably you guys are aware of. There's design  
12 work progressing on the hydraulic and the geotech front.

13 PRESIDENT CARTER: Mr. Swanson, if I could just  
14 interrupt.

15 Regarding the groundbreaking ceremony, I believe  
16 that all Board members will be getting invitations to  
17 that. You're welcome to attend. January 11 at 11  
18 o'clock, I believe, at the Folsom Dam overlook.

19 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

20 SWANSON: Construction anticipated to be complete in 2017.  
21 So this is going to be going on for a long time. It's  
22 very complex work. But, you know, very positive that  
23 we're getting going on this. And so everybody needs to be  
24 commended for that.

25 American River common features. The construction

1 contract for Mayhew Drain was awarded. And that was in  
2 front of you guys awhile back. Very contentious. But  
3 that's moving into construction. So that's a positive  
4 thing.

5 And there's design work that's been initiated for  
6 slurry wall discontinuities at the utilities crossings.  
7 So the Corps's moving forward on that and we'll get that  
8 resolved and hopefully into construction next summer.

9 And then there's levee raising and widening at  
10 three reaches and again under design.

11 And then, finally, the Natomas General  
12 Reevaluation Report is being expanded to cover additional  
13 work in the Sacramento area and the Pocket area. Opening  
14 that study up to kind of take care of some of the loose  
15 ends in the area.

16 South Sacramento Streams Project continues. They  
17 finished construction on Morrison Creek. And then there's  
18 going to be some additional work next year at Union House,  
19 Elder Creek, and Florin Creeks. But that's progressing,  
20 and again another link to the chain being put in place.  
21 And so we're gradually working through our issues in  
22 Sacramento.

23 Activities going on in West Sacramento. One of  
24 the -- some of the recently completed work out on the Yolo  
25 Bypass had some performance issues, and the Corps's

1 investigating that. And depending on what they find in  
2 their geotechnical investigation, they will take  
3 appropriate remediation steps.

4 And then the feasibility study to bring West  
5 Sacramento up to 200-year level of protection is being  
6 negotiated right now. And we anticipated that will be in  
7 place in the near future. And so West Sacramento is  
8 making progress also.

9 Yuba River Basin general reevaluation continues.  
10 And the goal is to get the reauthorization request to  
11 Congress in 2009.

12 There's also a process initiated to get separate  
13 authorization for the Marysville ring levee. And the hope  
14 is that end of next summer, fall of next year that maybe  
15 there will be construction on the ring levee. So that's  
16 good. They separated that in trying to get activity  
17 going.

18 The Sutter County feasibility study unfortunately  
19 is overbudget. And there's negotiation underway to revise  
20 scope cost and schedule, and I think you guys will hear  
21 about that in the future as the negotiations are  
22 summarized.

23 There was a couple of new authorizations in the  
24 WRDA 2007. I just wanted to bring them to your attention.  
25 One of them is for the Hamilton City project and the other

1 is for the Middle Creek project. I will comment  
2 specifically on the Middle Creek project. That's an area  
3 that we have a maintenance area on, and it's been a pretty  
4 bad situation because it's a small project that was never  
5 built to lines and grades and it doesn't have the economic  
6 basis to support the improvement of the project to bring  
7 it up in lines and grades. And if we can get the Middle  
8 Creek project through and get it constructed, it will  
9 allow us to decommission the levees and dissolve the  
10 maintenance area, and that would be a benefit for  
11 everybody. We have been working -- through our Corridor  
12 Program working with Lake County to buy affected property  
13 owners and get them out of the floodplain. And that's  
14 moving forward slowly. But the long-term answer is this  
15 Middle Creek project. And it's been held up by, you know,  
16 not having been authorized because of no WRDA for a number  
17 of years. And so that's a good step.

18           Early implementation projects are proceeding.  
19 And DWR anticipates making final eligibility determination  
20 by the end of the month. Three of the four projects are  
21 in tomorrow's Board agenda, and so you'll be hearing more  
22 about it. I just want to say that DWR supports  
23 conditional approval of each of these projects and we'll  
24 have representatives available tomorrow to provide  
25 comment.

1 And then, finally --

2 BOARD MEMBER RIE: Can I ask you a quick question  
3 about that?

4 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

5 SWANSON: Yeah.

6 BOARD MEMBER RIE: I know with the transportation  
7 bond money you have to spend the money within two years.  
8 Is there any such requirement for the early implementation  
9 projects?

10 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

11 SWANSON: I don't think specifically so. But I think that  
12 was part of the criteria on selecting projects. We were  
13 looking for projects, and we rated projects based on their  
14 ability to get into construction. And so I think the  
15 expectation was that if we were going to approve an early  
16 implementation project, that they were ready to go. But I  
17 don't think there's specifics. I mean our bond money in  
18 1E is ten-year money. And I think we have ten years to  
19 liquidate it.

20 BOARD MEMBER RIE: But the idea is they're ready  
21 to go, they need to move forward, we're looking at summer  
22 2008 construction?

23 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

24 SWANSON: And that's the urgency. And that's why -- I  
25 think you'll hear tomorrow that's why people want more of



1 the action now. There's concern that with Board changes,  
2 that might affect the ability to get out into  
3 construction. And it's a complicated thing. I mean this  
4 is, you know, so many different players and things are  
5 moving so fast. But, yeah, people are pushing hard. They  
6 want to get -- everybody wants to get to construction next  
7 summer.

8 BOARD MEMBER RIE: Including DWR?

9 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

10 SWANSON: Including DWR, yes.

11 BOARD MEMBER RIE: Okay.

12 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

13 SWANSON: Finally, there were three projects that have  
14 been funded through the Non-project Local Levee Urgent  
15 Repair Grant Program. I'm happy to say all three projects  
16 that have been approved are complete. The last one was  
17 Hamilton City emergency repairs up in Glenn County. And I  
18 want to specifically call out a couple of people that were  
19 instrumental in making this happen. Erik Koch of the  
20 Department and then Randy Murphy and Bob Johnson from  
21 Glenn County. And people really persevered on this.  
22 There were a number of issues that popped up and people  
23 had to put their thinking caps on and think outside the  
24 box to make that happen. So I want acknowledge the folks  
25 that made this happen and, you know, chalk that up on the

1 "win" column.

2 So with that, I'm open for questions or I'll  
3 yield the podium.

4 SECRETARY DOHERTY: Mr. Chairman?

5 PRESIDENT CARTER: Lady Bug.

6 SECRETARY DOHERTY: I realize that you were  
7 promoted to acting chief this year. But as you sit in  
8 your office and look through the files, can you tell me,  
9 is there any reason why the Natomas Cross Canal was not  
10 kept cleaned out? Is there anything in the records?

11 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

12 SWANSON: Well, we -- first of all, there in the nineties  
13 was a general lack of channel maintenance, just across the  
14 project. And so, you know, there are conflicts between  
15 operation and maintenance requirements laid out in the  
16 manuals and Endangered Species Act and Clean Water Act  
17 requirements.

18 But beyond that -- and with the cross canal, from  
19 a conveyance perspective, the vegetation doesn't affect  
20 it. The cross canal is affected by tail water in the  
21 Sacramento River. And so when the water goes up, water  
22 backs up into the cross canal and affects the amount of  
23 water, you know, that flows through the cross canal.

24 We have been in the cross canal the last couple  
25 of years and we have done some level of maintenance. And

1 we think that the level of maintenance is sufficient to  
2 handle the conveyance issues.

3 SECRETARY DOHERTY: So what happens when you have  
4 water coming from the Sacramento River and you've got  
5 water coming down from Placer County and Sutter County?

6 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

7 SWANSON: The water that comes from Placer County is  
8 delayed by the Sacramento River and it's metered in. But  
9 from a hydraulic perspective, it's controlled by the  
10 elevation of the Sacramento River.

11 SECRETARY DOHERTY: So then what are the pumps  
12 along the cross canal?

13 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

14 SWANSON: The pumps would be to drain the Natomas Basin  
15 and with the RD 1500 up north.

16 CHIEF ENGINEER BRADLEY: Thousand one.

17 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

18 SWANSON: Or 1001. It would be to pump those out, I mean  
19 if I'm thinking of the pumps that you're talking about.

20 SECRETARY DOHERTY: So are they pumping out of  
21 the cross canal into those lands or from those lands into  
22 the cross canal?

23 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

24 SWANSON: From those lands -- from those basins into the  
25 cross canal.

1           VICE-PRESIDENT HODGKINS: Well, there are pumps  
2 go both ways.

3           DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

4 SWANSON: Well, the irrigation pumps, yeah.

5           VICE-PRESIDENT HODGKINS: Yeah.

6           DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

7 SWANSON: So there'd be irrigation pumps during the dry  
8 that would pump out of the cross canal, which is, you  
9 know, a water source. And so they'd pump -- yeah, Butch  
10 is right.

11          SECRETARY DOHERTY: All right. Thank you very  
12 much.

13          DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

14 SWANSON: Okay.

15          CHIEF ENGINEER BRADLEY: They will be removing  
16 most of those irrigations and moving them -- and down  
17 along the Sacramento River.

18          SECRETARY DOHERTY: So they'll be putting those  
19 into the river?

20          CHIEF ENGINEER BRADLEY: Well, the irrigation  
21 comes from the canal -- the cross canal into the north  
22 part of the Natomas Basin and RD 1001. And they're  
23 consolidating the ones, at least I believe, on the south  
24 side of the canal with other diversions along the  
25 Sacramento River. So that they're going from I think six

1 or eight diversions down to like two or three. I forget  
2 what it is. But they're consolidating the diversions so  
3 they're all coming out at one place instead of all along  
4 that canal. The water's fairly poor quality in the cross  
5 canal anyway.

6 PRESIDENT CARTER: Mr. Brown.

7 BOARD MEMBER BROWN: Well, Keith, could you  
8 elaborate a little bit on the Folsom Dam project, the  
9 scheduling and improvements?

10 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

11 SWANSON: No, I'm probably not the right person. But we  
12 could schedule a briefing for you on that in a future  
13 timeframe. I do not follow that real closely. We could  
14 schedule -- we'll work to get you an informational  
15 briefing on that.

16 BOARD MEMBER BROWN: Yeah, that would be  
17 appreciated very much. There's about what, \$500 million  
18 that's been earmarked for that project?

19 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

20 SWANSON: I think for the initial -- maybe some of the  
21 initial things.

22 BOARD MEMBER BROWN: All right. A briefing would  
23 be very helpful. Thank you.

24 PRESIDENT CARTER: Rose Marie.

25 BOARD MEMBER BURROUGHS: Thank you.

1           And I appreciate your jet lag, as I had a trip to  
2 Japan last month. Good luck.

3           I have a question on page 6 under the PL 84-99.

4           On the sentence that says, "Due to environmental  
5 restrictions related to endangered species and limited  
6 construction windows..."

7           Could you elaborate on exactly what were the  
8 problems there?

9           DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

10 SWANSON: I think it's just the overall complexity to  
11 develop the necessary supporting documentation. So we've  
12 got to, you know, comply with the Clean Water Act and the  
13 Endangered Species Act, and so there's -- for instance,  
14 the Endangered Species Act there's environmental  
15 assessments that have to be developed, we've got to go  
16 through CEQA notification. It's just the overall  
17 complexity. And so it's, you know, having 60 something  
18 projects and trying to get that through. And that's on  
19 top of the work that's been going on with the critical  
20 repairs. And so it's a -- you know, it's a staffing issue  
21 and a timing issue.

22           And we were able to work with the resource  
23 agencies and really accelerate a lot of the critical  
24 sites, but that was really running a lot of the agencies  
25 to their capacity to get that to happen in a timely

1 fashion. And so then to add this additional work of lower  
2 priority and really lower public safety issue, there just  
3 wasn't the capacity to do that. And so we're working  
4 through it in a more orderly fashion, a more timely  
5 fashion.

6 BOARD MEMBER BURROUGHS: Thank you.

7 PRESIDENT CARTER: Has there been any progress  
8 with the concept of a programmatic permit or a  
9 programmatic environmental compliance through the  
10 Interagency Collaborative Forum or --

11 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

12 SWANSON: We're talking about that. In fact, we met  
13 yesterday, and we're trying to formulate a strategy on  
14 that. And we just brought in a new EPM I, Environmental  
15 Program Manager I, Dave Carlson, from the regional board.  
16 He's going to help that effort. And then the Department  
17 has identified Dale Hoffman-Floerke as a person that's  
18 going to get involved in that. And so we're going to be  
19 focusing in on that in the coming months.

20 It's going to take a long time to work through  
21 this and make this happen. But we're optimistic that it  
22 is the right thing to do and it's the only thing to do to  
23 kind of get a handle around this issue with this, you  
24 know, conflict between public safety and the environment.  
25 And we've got to, you know, address them and realize that

1 they're both critical and they both have legal -- we both  
2 have legal obligations for -- you know, for both of them.  
3 And we're going to make that happen. And we'll keep you  
4 informed as we move forward.

5 PRESIDENT CARTER: Any other questions for Mr.  
6 Swanson?

7 Mr. Hodgkins.

8 VICE-PRESIDENT HODGKINS: Keith, I want to  
9 compliment you on the report. The way it was done made it  
10 very easy to go through and check and see what's going on  
11 in things of particular interest.

12 But you said -- is there a second occurrence in  
13 the post-construction problem and of course working the  
14 bypass, or is this continuation of the same one?

15 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

16 SWANSON: Problems in Tisdale Bypass? What are we --

17 VICE-PRESIDENT HODGKINS: I thought you said we  
18 were still working on doing some work in the Yolo Bypass.

19 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

20 SWANSON: No, it's the Tisdale -- at the Tisdale Bypass  
21 there is a little bit of a controversy around Ron Lum's  
22 pump just downstream of the reclamation road bridge. And  
23 we're working with Ron to get that resolved. It was an  
24 area that had a ramp in it. And when they cleaned it up  
25 and demobilized, they left it a little bit rough. It's



1 not quite compacted as well as it maybe should be and it  
2 has a little bit of a swale to it. And so we'll be  
3 working with Ron to get that resolved.

4 VICE-PRESIDENT HODGKINS: Okay. And then do you  
5 know -- can you tell the Board anything about the Sutter  
6 Butte Flood Control Agency? Do you know anything  
7 about it? It's a newly formed --

8 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

9 SWANSON: No.

10 VICE-PRESIDENT HODGKINS: -- SAFCA SJAFCA model,  
11 JPA of Sutter and Butte County, which I think is good  
12 news.

13 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

14 SWANSON: Yeah. No, I'm not familiar with that. But it  
15 sounds like something that we need to plug into.

16 PRESIDENT CARTER: Any other questions for Mr.  
17 Swanson?

18 Thank you very much.

19 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

20 SWANSON: Thank you.

21 PRESIDENT CARTER: We'll move on to -- we moved  
22 Item 7 to Requested Actions. So let's go ahead and start  
23 on Item 7A, Department of Fish and Game Lease No.  
24 2007-738Z, Yolo County.

25 Ms. Guebara, good morning.

1 MS. GUEBARA: Good morning.

2 Just a minute.

3 (Thereupon an overhead presentation was  
4 Presented as follows.)

5 SECRETARY DOHERTY: So we should get rid of the  
6 ones that are in our book?

7 MS. GUEBARA: The leases yes, please.

8 Seasons Greetings, Mr. President; Mr. Punia,  
9 General Manager; the Board and staff.

10 The first item is a Fish and Game lease. And  
11 this is actually an addendum to the master lease. This  
12 master lease has been in force since 1977. And we haven't  
13 added an addendum to this lease since 19 -- around 1988.

14 And if you'll notice, the Lease No. 738Z, that  
15 indicates that now we're on the 26th addendum. So just to  
16 give you that framework on that.

17 The Department of Fish and Game has asked to  
18 lease this area. And I believe in your packet you have  
19 the site map and then the rectangular map of the two  
20 parcels. And this is in -- let me get this straight.  
21 This is in the Yolo Bypass/Fremont Weir area.

22 And what we're looking at is about a hundred -- I  
23 mean about a thousand two hundred acres of land that the  
24 Board owns and that DGF, Fish and Game, will provide the  
25 protection and development of the fish and wildlife

1 habitat and public use on this Board property.

2           And I'd like to go through and explain the  
3 special provisions, because that's in -- of the lease, and  
4 then that will go ahead and explain the rest of the  
5 attachments that you have in your packet.

6           So are we with the lease between the Department  
7 of Water Resources and the Reclamation Board at Fremont  
8 Weir document? You're with that? And it was the first --  
9 the page has Special Conditions 1 through 5? Okay.

10           So Special Condition 1 is restating the basic  
11 tenants of the master lease, which is wildlife protection  
12 and development of fish and wildlife habitat. This is --  
13 the master lease is a 50-year lease, 1977 to 2027. It  
14 covers 23 parcels, approximately 5,800 acres, over nine  
15 counties. And so that's the first thing we did in the  
16 special provisions, is just restate very succinctly the  
17 basic tenants of the master lease.

18           The second special provision references an MOU  
19 between the Department of Water Resources and Fish and  
20 Game. According to the Water Code, DWR is responsible for  
21 the maintenance in the bypass, Fremont Weir, and the  
22 levees in this area. To perform and be part of this  
23 maintenance and meet with the code requirements,  
24 Department of Water Resources entered into the MOU, which  
25 is in your packet, with Fish and Game. This streamlines

1 our process for permitting when we go in and do our  
2 maintenance work in the area. And it also assures that  
3 maintenance practices take into account wildlife and  
4 habitat protection as needed.

5           So this is part of the provision too.

6           Provision 3 is like a good neighbor clause, and  
7 we're trying to minimize the impact of the hunting. There  
8 is -- this part allows the -- the Fish and Game, they have  
9 their enforcement capabilities, which Department of Water  
10 Resources doesn't have enforcement responsibilities.  
11 Requires them to police trespassing on to adjacent private  
12 property owners on the south. And there's also a small  
13 portion on the west side of this rectangular piece that is  
14 private property.

15           So we're trying to ensure good neighborliness in  
16 limiting trespassing and hunting in that area.

17           Number 4 Special Condition ensures that the  
18 public use is compatible with the purposes of the lease.  
19 I wanted to put this in because it would silent -- and  
20 then we were to have three-wheeled vehicles or off-road  
21 vehicles in this area, we would go back to this lease and  
22 it would be silent as to the permissive or not of this  
23 type of activity. So we wanted not to be silent about the  
24 use of off-road vehicles. We want to reduce dumping,  
25 because there are two access areas to this rectangular

1 parcels and one area we want to -- which is a -- it's on I  
2 believe the west -- the east side is a road, a county road  
3 which if we eliminate that parking structure -- or not  
4 structure but that parking area, then there are no  
5 hunters, there are no reason for access on that road for  
6 the area and hopefully reducing the dumping.

7 We also don't want people driving on the levees.

8 And there is a private corporation that develops  
9 land for mitigation in the south of this parcel. And so  
10 we just want to make sure that there are no activities  
11 that would compromise this use.

12 SECRETARY DOHERTY: Olivia, I'm sorry. May I ask  
13 you something?

14 MS. GUEBARA: Yes.

15 SECRETARY DOHERTY: You said that the ones that  
16 were in our book are not the ones that we're going to use.

17 MS. GUEBARA: The lease.

18 SECRETARY DOHERTY: Oh, just the lease, not the  
19 consent item?

20 MS. GUEBARA: Okay. I'm not understanding your  
21 question.

22 SECRETARY DOHERTY: Well --

23 MS. GUEBARA: Well, see the lease that's in  
24 your -- currently the lease that's in your packet is not  
25 the -- is the lease that we are not going to use. It had

1 about seven or eight special provisions, and these  
2 provisions were reduced to the five.

3 That had seven special provisions.

4 SECRETARY DOHERTY: So the lease agreement on the  
5 22nd day of March, 1977 --

6 PRESIDENT CARTER: What we received were three  
7 documents. One was the lease that listed the special  
8 conditions. That is replaced. We received the lease  
9 which talks about the basic provisions, and then the  
10 resolution.

11 MS. GUEBARA: And those are two separate agenda  
12 items. The first one is Lease No. 2007-738Z that, and  
13 that goes with 7A.

14 BOARD MEMBER BURROUGHS: I have a question once  
15 you get --

16 SECRETARY DOHERTY: Go ahead. I'm still --

17 PRESIDENT CARTER: This is replaced.

18 SECRETARY DOHERTY: Okay. So this one I can get  
19 rid of.

20 BOARD MEMBER BURROUGHS: And this is -- you  
21 should review these compared to what they add.

22 SECRETARY DOHERTY: Right.

23 BOARD MEMBER BURROUGHS: Okay. So if we're on  
24 questions right now, I'd like to ask a question in regards  
25 to the two changes.

1           In your old lease, what we have in our packet,  
2 under Item No. 3, why did you take that out of the new  
3 lease?

4           MS. GUEBARA: Well, there was a -- okay.  
5 Because -- and this would go more to Special Provision No.  
6 5. Within the MOU is managed -- the MOU between Fish and  
7 Game and the Department of Water Resources, the manager  
8 for Fish and Game indicated that if in fact the Board were  
9 to initiate any type of grazing in this area, vegetation  
10 control or just livestock grazing, the MOU would need to  
11 be amended. This is something that we would not like to  
12 do in the sense of that once you open that up for  
13 amendment, it can go anywhere, and we might not be able to  
14 gain the same protections or the same agreements as we  
15 currently have in place. So that's why -- I will defer to  
16 Jeff. That's why, in consulting with Jeff, he said, "Take  
17 it out, we don't need to repeat it then."

18           PRESIDENT CARTER: So that the question is is  
19 whether or not the Board wants to open up the MOU for  
20 renegotiation?

21           MS. GUEBARA: Right. And we felt that that would  
22 lead to many other issues beyond what the scope of this  
23 particular lease would do.

24           PRESIDENT CARTER: Okay. Go ahead and proceed.

25           MS. GUEBARA: And then Special Provision 5, okay,

1 the nexus here is that the west portion of this  
2 triangle -- there are two parcels and just rectangular  
3 pieces -- the west portion is covered by a conservation  
4 easement. That conservation easement defers to -- it  
5 defers to the flood management activities of the Board.  
6 And so, consequently, Fish and Game in their conservation  
7 easement does not allow for livestock -- cattle grazing.  
8 However, in speaking with the program manager from the  
9 U.S. Fish and Wildlife Service, they would be comfortable  
10 with sheep as a vegetation management tool to be used in  
11 this area if it were -- if that grazing were over -- was  
12 overseen by the Department of Fish and Game. By entering  
13 into this lease with Fish and Game and stating it there,  
14 then the U.S. Fish and Wildlife Service would be  
15 comfortable with initiating any type of -- well, with  
16 initiating livestock grazing for vegetation management.

17 SECRETARY DOHERTY: What's the difference between  
18 the sheep and the goats and the cattle?

19 MS. GUEBARA: Well, the little I know of this,  
20 goats we have to pay for, because they seem to eat  
21 everything, and we would have to pay them to bring the  
22 goats out.

23 Sheep, on the other hand, don't -- are more  
24 particular on what they eat and the vegetation.

25 And cows, I would have to defer to the biologist,



1 his name is Dale Whitmore from the Department of Fish and  
2 Game, because I'm not sure of the difference in cattle  
3 grazing.

4 MR. WHITMORE: Hello. Briefly, my name is Dale  
5 Whitmore. I'm the Fish and Game biologist in Yuba and  
6 Sutter counties. And out of those 5800 acres of ground  
7 that we have leased, approximately 4,000 acres of that is  
8 in the area that I manage. And we currently have sheep  
9 leases on both Nelson Slough and Lake of the Woods units.

10 Lake of the Woods unit is an actual  
11 Reclamation-Board-owned piece of property, while the  
12 Nelson Slough unit is owned by the Department of Fish and  
13 Game.

14 And we use sheep in the river bottoms because  
15 there's a sheepherder that goes with them. Most of our  
16 areas are not fenced. And so we don't have cows on those  
17 properties because the cows would not stay within the  
18 boundaries of the wildlife area.

19 And so since the sheep people pay us a little bit  
20 of money to sheep -- to graze the area, we've had sheep on  
21 those two areas for the last four years.

22 Goats, you have to pay for those. And that's why  
23 we don't go with goats.

24 Thank you.

25 PRESIDENT CARTER: One question for you, Mr.

1 Whitmore.

2           The payments you get from the tenants on the --  
3 that are grazing the property, that goes to the General  
4 Fund?

5           MR. WHITMORE: Actually it goes back into  
6 maintaining the state wildlife areas that we manage. The  
7 amount of money we get is actually only a few hundred  
8 dollars. It's very small. Actually we have leased these  
9 out. And we get a penny per sheep per day for leasing  
10 these areas for the sheep lessees.

11           What we get out of it is very enhanced habitat.  
12 Instead of having star thistle that's chest high in the  
13 river bottoms, we now have star thistle that's about 18 to  
14 24 inches. And it's prime areas for our junior pheasant  
15 hunts at Nelson Slough. And we're also working with the  
16 Department of Water Resources to see if we can reduce the  
17 frequency with which Water Resources has to mechanically  
18 manage the Lake of the Woods unit, which is I'm told about  
19 \$50,000 every other year when they come in with their  
20 heavy equipment. And we're hoping that we can reduce the  
21 frequency that they have to do that.

22           PRESIDENT CARTER: Just as a note for the rest of  
23 the Board members in case you don't know. If the  
24 Reclamation Board entered into a lease agreement with a  
25 tenant for grazing, the revenue from that would go to the

1 General Fund as opposed to the Reclamation Board or as  
2 opposed to when Fish and Game does back to managing the  
3 wildlife refuges.

4 Ms. Guebara.

5 MS. GUEBARA: And the second part of the purpose  
6 of Special Condition 5 is that, what I had previously  
7 stated, that the MOU would not have to be amended because  
8 Fish and Game would be initiating the grazing practices.  
9 And the manager of the Fish and Game MOU has agreed  
10 to -- well, it would be Fish and Game talking to Fish and  
11 Game and they would allow it.

12 So the staff recommendation is to enter into this  
13 lease. It is a 30-day revocable if there are any issues.

14 And the vote is yours.

15 PRESIDENT CARTER: Discussion, questions?

16 VICE-PRESIDENT HODGKINS: Keith, are you still  
17 there?

18 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

19 SWANSON: Yeah.

20 VICE-PRESIDENT HODGKINS: Yeah. Of course he is.

21 This is coordinated with the maintenance folks so  
22 these folks are working together very carefully?

23 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

24 SWANSON: Yes. And we're very supportive of this. You  
25 know, the Board has been pushing for grazing. It's

1 something that we've been interested in introducing. We  
2 run into road blocks that Fish and Game is able to avoid.  
3 There's internal disagreement in Fish and Game whether  
4 this is an acceptable management tool or not. Dale's able  
5 to cut through that. And I think we're going to be able  
6 to demonstrate the value of it. We've seen at Lake of the  
7 Woods and -- you know, or on the Feather River. And so  
8 this is just an extension of that pulse.

9 VICE-PRESIDENT HODGKINS: Thank you. Thank you  
10 very much.

11 MS. GUEBARA: Mr. Hodgkins, we did do a site  
12 visit with Fish and Game, and as well as the maintenance  
13 yard, to come out there and discuss issues and what needed  
14 to be put into the lease exactly, so that we could have  
15 these assurances.

16 VICE-PRESIDENT HODGKINS: Thank you.

17 PRESIDENT CARTER: Any other questions?

18 Ms. Rie.

19 BOARD MEMBER RIE: I'd like to move that we  
20 approve the lease.

21 VICE-PRESIDENT HODGKINS: Second.

22 PRESIDENT CARTER: There's a motion and a second.

23 Any other further questions?

24 I have a couple questions.

25 I tried to find in the MOU where that had to be

1 renegotiated if the Department or the Rec Board wanted to  
2 graze on there. I didn't find those provisions in there.  
3 And it wasn't mentioned in the staff report specifically  
4 where that was. And I am wondering -- the Fish and Game  
5 has a lease on Rec Board property adjacent to this in the  
6 Fremont Weir. It is currently not grazed. I'm wondering  
7 why that's not currently grazed. If this is such an  
8 effective management tool, which we believe -- and you  
9 know this Board's disposition is to try and avoid the  
10 cleanups, messes that we have with Tisdale Weir and the  
11 lengthy process there. And we see grazing as one of those  
12 issues.

13           What's the staff's --

14           DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

15 SWANSON: Well, when we negotiated the MOU with Fish and  
16 Game, we did not list grazing as a methodology that we'd  
17 be employing. When we tried to work with our counterpart  
18 at Fish and Game, he wanted to have us go out and  
19 inventory the biological resources and then he wanted us  
20 to propose steps we would take to protect those resources  
21 in the event that the cattle were to stray over and, say,  
22 start eating an elderberry. We found that very cost  
23 prohibitive and it basically interfered and prevented us  
24 from grazing.

25           We were on the verge of entering into a grazing

1 agreement at Fremont Weir when these issues came up that  
2 prevented us that grazing season from having cattle come  
3 out there because they -- we were working with wildlands  
4 at the time. They had to put their cattle somewhere else.  
5 And then it was too late in the season to get anybody else  
6 to come in.

7           Subsequent to that, we were moving into the  
8 sediment removal contract out at Fremont Weir, and so we  
9 didn't want to enter into a grazing agreement when we're  
10 going to have big orange equipment running around. And so  
11 we held off.

12           And then last year we didn't push for grazing  
13 because we just got through replanting it and we didn't  
14 want to run livestock out on something that had just been  
15 planted.

16           And so now we've got a year in and the grasses  
17 are established, and so we think it's opportune time to  
18 move forward with grazing.

19           PRESIDENT CARTER: What indications do we have  
20 from Fish and Game that in fact they are going to pursue  
21 grazing in this area?

22           MR. WHITMORE: It's very much in our interests to  
23 do something about the extremely heavy vegetation on the  
24 property. And we would like to manage the property so  
25 it's more publicly friendly for the hunters and hikers,

1 bird watchers who want to use the property. And we're  
2 looking forward to looking to see if we can find probably  
3 a sheep lessee that will be able to graze the area during  
4 the spring and summer months.

5 PRESIDENT CARTER: Okay.

6 DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

7 SWANSON: The one comment I would make is there is a  
8 clause that allows us to revoke the lease if we're not  
9 satisfied with the performance. And so I think having the  
10 Board express their desire to see grazing occurring will  
11 go a long way and you can set that as a condition.

12 PRESIDENT CARTER: Okay. Yeah, I noticed that.  
13 Within 60 days notice either party can terminate the  
14 lease.

15 MS. GUEBARA: Yes.

16 PRESIDENT CARTER: Any other questions, comments?  
17 Are you ready for a vote?

18 BOARD MEMBER BURROUGHS: Yeah, one last question.

19 The old information on the packet under the  
20 bullet items listed hunting and the new one doesn't.

21 PRESIDENT CARTER: Oh, hunting limited to bow and  
22 shotgun?

23 BOARD MEMBER BURROUGHS: Yeah.

24 MS. GUEBARA: I have stated that, and that was  
25 pointed out to me that is redundant, because in the Fish

1 and Game Code hunting is just shotguns and archery. And  
2 so it was not needed in the -- needed to be stated because  
3 it is redundant.

4 BOARD MEMBER BURROUGHS: Thank you.

5 PRESIDENT CARTER: All right. Any other  
6 questions?

7 Everybody understand the motion that's on the  
8 table, motion to approve as submitted by staff?

9 Okay. All those in favor indicate by saying aye.

10 (Ayes.)

11 PRESIDENT CARTER: And opposed?

12 BOARD MEMBER BURROUGHS: I oppose it because I  
13 don't want information given to me on the day of the  
14 meeting. So it's too late for me to vote on it. I'm  
15 voting no.

16 PRESIDENT CARTER: Okay. The motion carries.

17 We have 7B.

18 MS. GUEBARA: 7B, the county -- thank you, Dale  
19 and Keith.

20 This is a lease being proposed -- being requested  
21 by the County of Colusa. It's approximately ten acres of  
22 The Reclamation Board land.

23 Let me see if I can -- okay.

24 PRESIDENT CARTER: Excuse me, Ms. Guebara. Just  
25 a question on process for Mr. Morgan.



1           Did the Board by approving the last motion also  
2 approve this Resolution No. 07 -- oh, that's for the boat  
3 launch. I'm sorry. I stand corrected. I apologize.

4           MS. GUEBARA: I could work the mouse. I cannot  
5 work this. So maybe I won't use this, because I cannot  
6 work it with that.

7           If you'll note that this -- okay. Here we have  
8 the Sacramento River. And apparently in the last couple  
9 of years there's been some U.S. Reclamation Board as well  
10 as ourselves, Department of Water Resources, in this area  
11 right here -- this no longer looks like this. There's a  
12 little silt and -- silt buildup. It has changed the  
13 hydrology of this area a little bit and we're looking at  
14 some erosion here, which your Board packet shows.

15           In this site here has been a Cruise 'N Tarry --  
16 what's called a Cruise 'N Tarry Marina. And this has a  
17 boat launching ramp and a parking lot facility, an access  
18 road. And this has been abandoned and now was overgrown,  
19 et cetera. But the County of Colusa is in need of this  
20 area as an emergency access -- safety access to the river  
21 for emergency and safety issues.

22           And there's a little lagoon right here with the  
23 river and then a little channel that comes into the river.

24           And so they -- the County of Colusa is looking  
25 for funding to be able to clear this area and make it once

1 again a usable marina. And in order to secure funding,  
2 they need to demonstrate that they have a lease -- the  
3 property right -- you know, to use the property. And so  
4 this is why we are putting it and pushing it on the agenda  
5 at this point. The county is proposing to use this area  
6 as a boat launching facility.

7           The terms of the lease are ten years. There is  
8 no compensation attached, because this lease is considered  
9 a public benefit and, that is, the emergency access to the  
10 river for the county.

11           There is some compensation that would go, as Mr.  
12 Carter has indicated, into the General Fund if in fact the  
13 county were to receive profits from any boat  
14 launching -- public boat launching activities.

15           Okay. This would be a new lease. And so that is  
16 attached in your packet. And the provisions -- the only  
17 provision that changed is under Special Provision  
18 7 -- Special Provision 8 of the handout here that I gave  
19 you is a much more definitive statement about the fact  
20 that if the county improving this area and were to be  
21 working the marina, and then the Board would need -- or  
22 there would be a flood event that would require the use of  
23 this area for flood control, that there would not be  
24 damages of a suit to the state for unrealized income or  
25 loss of the money that they used for improvements.

1           So in the lease that I handed out today,  
2 provision -- Special Provision 8 states that a little bit  
3 more clearly. And that's the only difference between what  
4 was in your packet. It's still alluded to in your packet.  
5 However, this language Mr. Morgan indicated is a little  
6 more clear to protect the state of any potential suits.

7           I've also handed out to you today a resolution.  
8 And this is from the County Board -- Colusa County Board  
9 of Supervisors, indicating their support for the signing  
10 of this lease in the form that the Board would approve.  
11 And this resolution was sought as a show of the commitment  
12 that the county has to improving and developing this  
13 marina area.

14           And I have representatives here from the county.  
15 Mr. Henry Rodegerdts, General Counsel.

16           And so if you would like to ask us any questions,  
17 it's up for discussion at this point.

18           PRESIDENT CARTER: Does the Board have any  
19 questions for Ms. Guebara?

20           No.

21           Staff?

22           BOARD MEMBER BURROUGHS: I have a question for  
23 staff.

24           Under the last bullet it says that DWR's  
25 maintenance staff has voiced a concern regarding public

1 safety and legal liability.

2 Do you have any comments about that?

3 MS. GUEBARA: Yes. If you'll note -- and I'm not  
4 using the computer -- one of your handouts I've included a  
5 couple of photographs. And there's one called "Sacramento  
6 River mile," and this shows from the river looking at the  
7 bluff. This is not the exact Cruise "N Tarry area, but it  
8 is --

9 PRESIDENT CARTER: That's at the mouth of the  
10 channel, I think, going into the marina.

11 MS. GUEBARA: Yeah, right here. This area right  
12 there.

13 And so the marina is right in here where the hand  
14 is. This bluff that you're seeing is right there.

15 And so when we went out and did the site visit,  
16 the maintenance staff was concerned about public coming to  
17 that high eroding bluff. And, consequently, one of the  
18 special provisions speaks to signage and prohibiting  
19 activities in this area. And the maintenance yard was  
20 agreeable to this language in the lease to cover that  
21 concern.

22 SECRETARY DOHERTY: Would signage be sufficient?  
23 Or would not a cable going across with additional signage  
24 be required?

25 MS. GUEBARA: Well, signage may not be

1 sufficient. However --

2 SECRETARY DOHERTY: Sounds like an attractive  
3 nuisance to me.

4 MS. GUEBARA: However, before the County of  
5 Colusa would do anything with this property, they would  
6 have to come before the Board with a permit. And at that  
7 time we could -- or in negotiations with them, in working  
8 with the permit, make sure that the appropriate type of  
9 safeguards are put in. So it may be --

10 SECRETARY DOHERTY: Mr. Rodegerdts, what do you  
11 think about that? Do you think it's an attractive  
12 nuisance?

13 PRESIDENT CARTER: Mr. Rodegerdts, could you come  
14 on up to the podium please, and just state your name for  
15 the record.

16 MR. RODEGERDTS: Mr. Chairman and Board. My name  
17 is Henry Rodegerdts. I'm Colusa County Counsel.

18 The area is generally accessible. There is a  
19 bluff there. It occurred to me at the time that perhaps  
20 some sort of barriers could be put up in addition to  
21 signage even more extensive than just your cable that you  
22 have suggested.

23 In a very risk adverse world, we wouldn't do  
24 anything. As I say, it's accessible. If we were able to  
25 go forward with the boat launching facility, the facility

1 would be the beneficiary of the county's general liability  
2 insurance program. Of course that doesn't really reach  
3 the issue you want to avoid, injury and harm.

4 But the facility is needed. It's needed for  
5 safety. What happens on the river? We need access to the  
6 river in that area. In my opinion this is a low impact  
7 invasion of the area, so to speak, with significant  
8 benefits - recreational benefits, safety benefits.

9 The locals really would like this. This effort  
10 is being spearheaded by our local Fish and Game  
11 Commission. And we quickly became aware in the grant  
12 process that we weren't going to get anywhere unless we  
13 could show a proprietary interest in this abandoned  
14 facility, which we want to rehabilitate. The risk has  
15 been there for a long time. When it was a functioning  
16 facility, it had the same risks that we're talking about  
17 now.

18 MS. GUEBARA: And currently we have -- the area  
19 is gated.

20 The area is gated onto the facility. And there  
21 is no signage. There are no cables. There is nothing  
22 there currently other than a two or three pipeline -- pipe  
23 kind of fence gate and that's it.

24 SECRETARY DOHERTY: Okay. Thank you.

25 PRESIDENT CARTER: Any other questions of staff?

1 Mr. Morgan, did you want to say something?

2 STAFF COUNSEL MORGAN: Well, I had assumed that  
3 Ms. Burroughs' question was for me. But the staff had not  
4 raised any legal concerns about this. And this sort of  
5 concern is, I think as was suggested, the sort of normal  
6 incidents of property ownership. And the entity that's  
7 primarily going to be responsible for building and  
8 maintaining this facility is going to be the county, not  
9 the Board. The Board just is simply granting a lease for  
10 it.

11 My concern was primarily making it very clear,  
12 and which is why the agreement was modified, that in the  
13 event that there's some extension or modification of flood  
14 projects out here and it requires any removal of some of  
15 the county facilities, that the county wouldn't seek  
16 compensation for that, which apparently they're agreeable  
17 to.

18 PRESIDENT CARTER: Okay. Any other questions?  
19 Comments from the applicant?

20 Okay. What's the Board's pleasure here?

21 VICE-PRESIDENT HODGKINS: I'd be happy to move  
22 approval of the lease. I think it's always a concern when  
23 you grant a public access that some liability could  
24 result. But I think where you have a need where the  
25 public wants access, the state and the county ought to be

1 working together to give them the access they want to the  
2 river. It's a beautiful river.

3 So I move approval of the lease.

4 BOARD MEMBER RIE: Second.

5 PRESIDENT CARTER: We have a motion and a second.

6 Any further discussion?

7 All those in favor indicate by saying aye.

8 (Ayes.)

9 PRESIDENT CARTER: And opposed?

10 BOARD MEMBER BURROUGHS: Aye for the same reason.

11 PRESIDENT CARTER: Okay. The motion carries.

12 Thank you very much.

13 MR. RODEGERDTS: Thank you.

14 MS. GUEBARA: Thank you.

15 PRESIDENT CARTER: It's quarter of 12. We are on  
16 to Item 8.

17 Okay. If we can cover this in 15 minutes, then  
18 we'll go ahead and do that.

19 Item 8 is Subcommittee Formation. Consider  
20 formation of a subcommittee to work with the Corps of  
21 Engineers and local San Joaquin River area interest groups  
22 in development of new flood control plans.

23 This, as you recall, was brought up by one of the  
24 Board members. Vice President Hodgkins had been  
25 approached by some representatives from the San Joaquin



1 Valley. And so this is why we're considering this at this  
2 point.

3 Mr. Punia.

4 GENERAL MANAGER PUNIA: Jay Punia, General  
5 Manager of the State Reclamation Board. Good morning.

6 As you may recall, we recently sent a letter of  
7 intent to the U.S. Army Corps of Engineers to be the  
8 non-federal sponsor for a feasibility study for the San  
9 Joaquin area.

10 At this time the San Joaquin County, the City of  
11 Stockton, Manteca, Lathrop, and Reclamation District plan  
12 to participate with us in that feasibility study with the  
13 U.S. Army Corps of Engineers.

14 The Board staff and the Department of Water  
15 Resources are contacting other interested parties if they  
16 want to participate in this feasibility study also. And  
17 the Board is -- the Board and its staff has committed to  
18 work with the local parties and with the U.S. Army Corps  
19 of Engineers so that we can move this feasibility forward  
20 as -- feasibility investigation forward as soon as  
21 possible so that we can develop a good project in this  
22 area to provide flood damage reduction.

23 And the source of this feasibility study  
24 investigation, the state funding will come from  
25 Proposition 84 funding.

1           And to keep this process going and to work  
2 closely with the local staff, I recommend that Board  
3 should establish a subcommittee similar to our existing  
4 subcommittee to work with the local interest. So,  
5 therefore, staff requests our Board to form a subcommittee  
6 of the Board members to work with the Corps of Engineers  
7 and local San Joaquin River area interest group to assess  
8 their need and to work with them on a feasibility scope  
9 investigation to develop a project to address flood damage  
10 reduction in their respective areas.

11           Staff recommends that the Board form a  
12 subcommittee to work with the San Joaquin River interest  
13 group as requested. And we have a local representative to  
14 endorse this recommendation. We have Roger Churchwell to  
15 speak on this subject too.

16           Roger.

17           MR. CHURCHWELL: Roger Churchwell, Director of  
18 Engineering for SJAFCA. And I just wanted to convey to  
19 the Board also that we support this and look forward to  
20 the opportunity to working with the subcommittee.

21           VICE-PRESIDENT HODGKINS: I think --

22           BOARD MEMBER BROWN: Is this the subcommittee  
23 that the Friant water users and other groups along the San  
24 Joaquin River formulated here just recently to address  
25 this issue?

1           GENERAL MANAGER PUNIA:  The subcommittee we are  
2   proposing is to be of the Board members so that they can  
3   work with the local interests.

4           BOARD MEMBER BROWN:  The local interests?

5           GENERAL MANAGER PUNIA:  Yes.

6           BOARD MEMBER BROWN:  And the local interests,  
7   does it include the Friant water users all the way down to  
8   the Friant Dam and such?

9           GENERAL MANAGER PUNIA:  That's open for  
10   discussion at the Board, that they want to limit it for  
11   the lower San Joaquin or they want to extend it up to the  
12   lower San Joaquin Levee District area.  So I think it's  
13   open for discussion at this time what the extent of the  
14   subcommittee will be.

15          BOARD MEMBER BROWN:  Who does Mr. Churchwell  
16   represent?

17          GENERAL MANAGER PUNIA:  SJAFCA.

18          BOARD MEMBER BROWN:  And that's the acronym for  
19   what?

20          GENERAL MANAGER PUNIA:  That's -- Roger, help  
21   me -- that's for the local Stockton area but --

22          CHIEF ENGINEER BRADLEY:  San Joaquin Flood  
23   Control Agency.

24          MR. CHURCHWELL:  Yeah, it's the San Joaquin Area  
25   Flood Control Agency.  It covers the majority of Stockton

1 and part of the county. It was formed back in the  
2 nineties to address flood issues.

3 BOARD MEMBER BROWN: Okay. You're here kind of  
4 taking the lead on this, with the local lead or --

5 MR. CHURCHWELL: SJAFCA, we met before our board  
6 here several months back. And they indicated that, with  
7 the feasibility study, that SJAFCA was willing to take the  
8 lead as the local agency leading that effort, with support  
9 from our other local agencies.

10 BOARD MEMBER BROWN: Have you contacted other  
11 responsible -- or possible responsible parties upstream?

12 MR. CHURCHWELL: Not upstream. We're mainly  
13 focused within that area and then also San Joaquin County.  
14 And as Jay also mentioned, City of Lathrop and City of  
15 Manteca.

16 BOARD MEMBER BROWN: Okay. Thank you.

17 VICE-PRESIDENT HODGKINS: I think from my  
18 perspective -- you recall San Joaquin was -- not the  
19 county or not SJAFCA, but one of the San Joaquin interests  
20 was in front of us for a permit at our meeting up in  
21 Marysville. And as a result of that, they asked me to  
22 come down and talk to them. And I went down and talked  
23 with a large group of the staff.

24 I think the bottom line here is, from a flood  
25 control standpoint -- this is my perception -- they have

1 lots of challenges that the Board is going to be involved  
2 in. We had a subcommittee formed up on the TRLIA project  
3 where the subcommittee has to notice its meetings, that we  
4 notice the meetings, the public meetings anybody can  
5 attend. But it presents an opportunity for direct  
6 communication in the community in some detail over how the  
7 community's proceeding forward and developing its plans to  
8 address improved flood protection.

9           In addition to the feasibility study, there are  
10 encroachments on some of the projects -- existing projects  
11 down here. Those encroachments are potentially going to  
12 lead to the decertification of levees, among other things.

13           There are just lots of issues that the Board and  
14 the San Joaquin interests are going to have to work its  
15 way through. And I think it makes sense, if we can find  
16 other Board members who are willing to put in the time, to  
17 set up this kind of a committee, that is purely advisory  
18 to the Board as a whole, but to pursue some of these  
19 issues in more detail in the community to help the Board  
20 as they come before us in addressing those. So that was  
21 the idea. I am willing to serve. I am willing to not  
22 serve if there are other members who would rather serve.

23           The TRLIA Committee has met I think three or four  
24 times up in the community for -- probably those meetings  
25 have gone what, two, three hours in most instances, I

1 think. And we probably would start with some kind of a  
2 tour to get a handle for us on what their challenges are  
3 and what we're dealing with the system down there. So  
4 that's sort of my view.

5 I'm looking for other volunteers here. And I had  
6 kind of talked to Teri and I've spoken to Rose Marie about  
7 the possibility of sitting on this committee.

8 PRESIDENT CARTER: Mr. Brown, you had something?

9 BOARD MEMBER BROWN: Let me ask our legal  
10 counsel. If we get into the ex parte contact after the  
11 first of the year, the issues will come back before us  
12 that we have to vote on. If we're part of formulating  
13 those issues, then it puts us into an ex parte contact. A  
14 discussion we had before, it's hard to be a project  
15 engineer on a problem and then a judge later on that may  
16 come before this Board. So I think it begs the question  
17 with legal counsel. Maybe they can give us some  
18 interpretation of how we might support this endeavor still  
19 without jeopardizing the input of people like Butch  
20 Hodgkins and Teri on this issue.

21 STAFF COUNSEL MORGAN: Just as a preliminary  
22 matter, the new rules, the new law on ex parte  
23 communications, which are a lot broader than the  
24 prohibitions against ex parte communications in the  
25 California Administrative Procedure Act, won't by

1 themselves be a problem for a committee. But the question  
2 is, what do the committee members do? That could be the  
3 problem. That could be I think a slightly separate  
4 problem, where committee members undertake an advocacy  
5 role and they're trying as opposed to just advocating for  
6 something that they have heard in the meetings and been  
7 convinced by the public as opposed to trying to direct the  
8 projects on their own and then coming into the meeting.  
9 That's a separate question. That's a very complex  
10 question. And as it happens, you're going to have the  
11 whole strength of the Attorney General's office behind the  
12 new counsel in January when this is a problem.

13           The immediate question is going to be whether or  
14 not you can do this at all. And if you're having an open  
15 meeting, there's no -- in my mind, there's no question  
16 that the ex parte rules, the broad prohibition against  
17 communication won't apply to the committee that has a  
18 noticed meeting, any more than would apply to the Board.  
19 Otherwise if you read this literally, since it doesn't  
20 have an express exception for holding meetings, you  
21 couldn't hear anything about anything at all.

22           And so clearly you must be able to hear that --  
23 hear this stuff at the meetings. And so the question is  
24 going to be -- and I don't think -- again, I don't think  
25 it's going to relate to the ex parte rules per se. I

1 think it's going to relate to just what you're suggesting  
2 is, as someone who is a decision maker taking an advocacy  
3 position. And that's a different question I'm not  
4 prepared to even get into that right now.

5 BOARD MEMBER BROWN: Well, of course if it's an  
6 open meeting, there's no ex parte contact concern. But if  
7 you get caught upstream somewhere on these issues with a  
8 party, on one side of an issue, then you certainly would  
9 jeopardize your position and may have to recuse yourself  
10 on an important vote that this Board may need.

11 VICE-PRESIDENT HODGKINS: And I think with the  
12 new focus on ex parte, is the kind of contact at least  
13 that I've been involved in in the past where I have spent  
14 a lot of time on my own in trying to understand projects  
15 I'm not going to be able to do. And I understand that.  
16 And I also understand that we're not -- we can't advocate,  
17 and I wouldn't see the committee as advocating for  
18 anything, only trying to be sure we understand and assist  
19 if we can the project proponents who are going -- they may  
20 end up being in presenting the information to the Board in  
21 a manner where the issues that we think are going to be  
22 important are clearly addressed and explained.

23 PRESIDENT CARTER: I think the subcommittee  
24 concept has helped on certain very large projects and  
25 large scope efforts for flood -- so in that instance it's



1 a benefit.

2 I think that Mr. Brown raises a valid question  
3 that we need to understand better. I think if we form the  
4 subcommittee, we have to form it with the knowledge and  
5 the context that it is not -- that it is not the intent or  
6 we will not violate the laws that we're subject to. And  
7 we will rely on our legal counsel to keep us out of  
8 trouble in that regard. But today I don't know that we  
9 know what those are. And our legal counsel from the  
10 Attorney General's Office is not with us today. She will  
11 be with us in January.

12 And so I think we could probably go ahead and  
13 form a subcommittee today, and make them subject to the  
14 laws and regulations that apply to the Board now and in  
15 the future.

16 VICE-PRESIDENT HODGKINS: And it might be wise to  
17 ask for that attorney's assistance in developing some  
18 guidelines so we know -- so we don't accidentally step  
19 over the rules. Because it's going to be new arena for  
20 us, I think.

21 PRESIDENT CARTER: And we may not want to  
22 schedule a subcommittee meeting until we have those  
23 guidelines.

24 VICE-PRESIDENT HODGKINS: I would agree with  
25 that.

1           PRESIDENT CARTER: Okay. So I -- I think there  
2 are some benefits to this. I think it -- from an  
3 administrative perspective, I think it helps with the  
4 process and the review of a lot of these large projects at  
5 the Board meetings. So I support it.

6           So are there members of the Board that would  
7 volunteer to serve on the subcommittee?

8           Butch, you said you would.

9           Teri, you --

10          BOARD MEMBER RIE: I'm willing to. But if Lady  
11 Bug or yourself or --

12          SECRETARY DOHERTY: I've already got a couple  
13 subcommittees.

14          BOARD MEMBER RIE: -- Mr. Brown, if any of you  
15 would like to do it --

16          SECRETARY DOHERTY: You're closer.

17          BOARD MEMBER RIE: Okay. If not, I'll be happy  
18 to do it.

19          SECRETARY DOHERTY: Rose Marie said she would  
20 also.

21          PRESIDENT CARTER: Rose Marie said that she'd be  
22 willing to serve if there was not another member that had  
23 a burning desire to serve.

24          VICE-PRESIDENT HODGKINS: I think that's fine.

25          So I guess I would move that we form a

1 subcommittee composed of myself, Board Member Rie and Rose  
2 Marie to work with San Joaquin interests, but with the  
3 condition that there be no subcommittee meeting scheduled  
4 until there has been presented to the Board some  
5 guidelines for subcommittee activities, to be sure we're  
6 complying with ex parte communication requirements.

7 PRESIDENT CARTER: Okay. So we have a motion.

8 Is there a second?

9 BOARD MEMBER BROWN: I'll second it.

10 PRESIDENT CARTER: Second.

11 Any further discussion?

12 All right. All those in favor indicate by saying  
13 aye.

14 (Ayes.)

15 PRESIDENT CARTER: And opposed?

16 Okay. And let the record reflect that Member  
17 Burroughs departed at 11:45 and was not part of this vote.

18 BOARD MEMBER RIE: President Carter, I also need  
19 to leave as soon as we break for lunch.

20 PRESIDENT CARTER: Okay.

21 BOARD MEMBER RIE: I hope that doesn't present a  
22 problem for the other Board members.

23 PRESIDENT CARTER: It shouldn't.

24 BOARD MEMBER SUAREZ: We'll miss you.

25 SECRETARY DOHERTY: Yeah.

1           PRESIDENT CARTER: Very good.

2           SECRETARY DOHERTY: Yeah, because you're gone.

3           PRESIDENT CARTER: All right. Well, at this  
4 point it's midday. We're up to Item 9.

5           We will go ahead and take an hour break for  
6 lunch. We could take an hour and a half if members of the  
7 Board do wish to go to the Sacramento Maintenance Yard to  
8 join in their festivities.

9           What's the pleasure of the Board? It will take  
10 an hour and a half to do that because of the travel time.

11          SECRETARY DOHERTY: I'd rather just proceed.

12          PRESIDENT CARTER: Okay. So we'll take 60  
13 minutes for lunch. We'll be back here at 1 o'clock and  
14 continue with our Agenda Item 9.

15          So thank you very much.

16          Mr. Swanson, if you could please -- if you're  
17 going out to the Sacramento yard, would you please pass  
18 along our holiday wishes to the folks.

19          DIVISION OF FLOOD MANAGEMENT ACTING CHIEF

20 SWANSON: Yeah. And I will be back at 1.

21          PRESIDENT CARTER: Okay. Thank you.

22          (Thereupon a lunch break was taken.)

23

24

25

1                               AFTERNOON SESSION

2                   PRESIDENT CARTER:   Good afternoon, ladies and  
3 gentlemen.   Welcome back.   This is the State Reclamation  
4 Board.   We are going to continue our meeting at this  
5 point.

6                   We are on Item 9 on our agenda for today.   That's  
7 to discuss future actions, if any, in connection with the  
8 Reclamation Board's interest and responsibilities in the  
9 Butte Basin overflow area.

10                  Mr. Punia, if you wanted to introduce this for  
11 us, please.

12                  GENERAL MANAGER PUNIA:   Yes.   Good afternoon.  
13 Jay Punia, General Manager of the State Reclamation Board.

14                  After the last meeting Board Member Lady Bug  
15 requested that we should include this discussion of the  
16 Butte Basin area on our agenda so that we can have a  
17 discussion and that Board can give some direction to the  
18 staff.

19                  So I'll just give you a little bit historic  
20 perspective and then we'll open up for discussion so the  
21 Board can give some direction to the staff.

22                  As you may recall, Mr. Les Heringer has been  
23 coming to the Board recently requesting to arrest erosion  
24 at River Mile 192.4.   And as a board, we visited that  
25 site, so all of us are familiar with that site.

1           Subsequent to that his request that -- Department  
2 of Water Resources was tasked to do a field investigation  
3 of that site. And they have finished that field  
4 investigation and they have also completed a report. It's  
5 called Emergency Levee Repair Field Investigation Report  
6 for Site Sacramento River 192.4, M&T Ranch. I think some  
7 of the Board members have seen and received a copy of that  
8 report.

9           The conclusion of that report is that that site  
10 is not critical -- not meeting the critical criteria for  
11 the -- established by the Department and the U.S. Army  
12 Corps of Engineers. So that's one complement of this  
13 topic.

14           Then there was also previously, to put in  
15 perspective, the Board -- our Reclamation Board adopted a  
16 plan. It's called the Butte Basin Overflow Area Plan,  
17 which was adopted in December 1986. And then U.S. Army  
18 Corps of Engineers completed a modeling study in  
19 mid-nineties. And the conclusion of that modeling study  
20 is that if the Phelan Levee fails, it may not have a major  
21 impact on the flow split at the Butte Basin area. The  
22 overall intent there is that half the flow goes into the  
23 Butte Basin and the remainder half, the 100-year flows,  
24 goes into the flood control project. So the Corps study  
25 concludes that if there is change in the configuration

1 close to the Phelan Levee, it may not have a major impact  
2 on the flow splits.

3 Based upon those -- that modeling runs, the Corps  
4 is concluding that they are not interested in spending  
5 additional funding in arresting erosion in that area.

6 So at this time, it's time to revisit what are  
7 the interests of the state and what's the interest of the  
8 federal government in that area. So that's where we are.

9 And the Department of Water Resources recently  
10 sent a letter to Senator Sam Aanestad which describes the  
11 State's position in this letter. They described in this  
12 letter that -- first of all, that letter was being  
13 addressed for the river erosion at 192.4. So they  
14 concluded that based upon their analysis, it's not a  
15 critical site.

16 Then they further stated in their letter that the  
17 Board should send some kind of a letter to the U.S. Army  
18 Corps of Engineers so that we can clarify what the role  
19 the federal government is willing to play into the Butte  
20 Basin. And I have a copy which I will distribute to the  
21 Board members, the letter I'm referring to.

22 And also in that letter, the Department has  
23 emphasized that they will be undertaking the new plan of  
24 flood control, that this topic should be addressed -- the  
25 state interest in this area should be addressed in this

1 new plan of flood control.

2           So I'm thinking that's a good venue to work with  
3 Department of Water Resources and the U.S. Army Corps of  
4 Engineers when this new plan of flood control will be  
5 developed so that we can work with them and establish  
6 clear-cut responsibilities among the local, state, and  
7 federal government.

8           So with this, I will open it up for discussion  
9 among the Board members. And I will be glad to answer any  
10 questions.

11           SECRETARY DOHERTY: Well, Mr. Punia, that sounds  
12 like we're making progress. What I felt was, and the  
13 reason that I wanted to revisit this, is because I felt  
14 like the ground rules had been laid and we went out to  
15 play the game and the state got up and they got three --  
16 let's say they're playing a ballgame, and they got three  
17 outs before they had to retire. And then the M&T got up  
18 and somebody all of sudden says, "You only get two outs.  
19 The game has changed." And that's what we did to the M&T.  
20 They sent letters of assurance that things would be taken  
21 care of, that they would watch this. And then when we  
22 asked them to do something about what they'd been  
23 watching, and it is occurring, then they said, "Oh, no,  
24 no, no, no, no. We're not going to do that."

25           And so if you can work with them on this, I think



1 that would be a true step forward, that we're working  
2 together and not in opposition.

3 But I definitely think that -- you know, if it's  
4 something that they don't need to worry about, then why  
5 have they been up there in the last couple of weeks  
6 checking this all out for flood fight? Why are they going  
7 to flood fight if it's not important?

8 So this has been a real concern of mine. I think  
9 that once you lay the ground rules, then we better play by  
10 it. And each time we do a project, are they going to keep  
11 on changing? Or are they going to stay the same for each  
12 of us?

13 So that's my concern.

14 PRESIDENT CARTER: I think as far as the facts  
15 are, just to be clear, DWR's report was to analyze whether  
16 or not the erosion that's occurring at that river mile,  
17 192.4 I believe, whether or not that satisfies the  
18 criteria as being a critical erosion site. And their  
19 investigation determined that it did not satisfy the  
20 criteria as being a critical erosion site, because there  
21 was enough waterside embankment or -- between the edge of  
22 the river and the toe of the levee, that it had not  
23 reached critical status.

24 So, I may be wrong, but I don't think DWR has  
25 said that they necessarily are abandoning the structures

1 up there entirely. What they've said, that it's a private  
2 levee and that they -- that the state doesn't have a  
3 responsibility to improve it. And I don't know what  
4 we -- so, in any case, if it's not a critical erosion  
5 site, the state does not have a responsibility to go in  
6 there and do any work.

7           And Mr. Herringer's concerns is that in one year,  
8 last year when we had relatively low water year, the  
9 bank -- the waterside bank was eroded -- was at 120 odd  
10 feet in one season. And so he's saying, "Well, if it's  
11 within only 70 or 80 feet from the toe of the levee, that  
12 could happen in one year and we ought to be concerned  
13 about it." That's the issue.

14           Mr. Brown.

15           BOARD MEMBER BROWN: Mr. Chairman, I would  
16 question whether or not it's a critical site, just in the  
17 fact of the erosion that takes place and the obvious  
18 downstream siltation somewhere. There was a tremendous  
19 amount of erosion that has taken place there. And usually  
20 that silt all falls out somewhere in an area where you  
21 prefer it wouldn't fall out, lessening the capacity of the  
22 channel downstream elsewhere.

23           So it may not be a critical site as far as  
24 something that may or may not happen in the immediate  
25 vicinity as far as flooding's concerned. But I would

1 certainly question that it's a critical -- or I wouldn't  
2 question -- I would suggest that it's a critical site as  
3 far as all of the silt and erosion that's taken place  
4 there in one year. And I don't think we're interested in  
5 that.

6           The other thing I need some clarification on is  
7 is there's a lot of embankment on that Sacramento River up  
8 from Shasta on down. And how do we determine where the  
9 public responsibility stops and the private entity, who  
10 resides alongside that embankment, starts? How do we end  
11 up wanting some of it and not ending up wanting all of it?

12           So that's a question there. But it's a statement  
13 on the first part.

14           I think it may be indeed a critical site just, if  
15 nothing else, due to the erosion. Responsibility is  
16 something I think we need to address

17           VICE-PRESIDENT HODGKINS: You know, I always  
18 worry that maybe I don't understand what people's position  
19 are. But this is what I think is the state's position,  
20 DWR's position. I think The Rec Board position is  
21 uncertain. I think DWR's position is that they have an  
22 obligation to maintain the overflow sites that we looked  
23 at, so that those will convey sufficient flow into the  
24 Butte Basin to keep the flow in the Sacramento River equal  
25 to or less than the design event. Okay?

1           I would say that in the past, because of the  
2 potential for -- when we have a very sinuous river coming  
3 down here, there were concerns that if the river cut  
4 through some of those bends, that the hydraulic properties  
5 of the river would change, water surface elevations would  
6 change, and as a result of that more water could come down  
7 the river than comes down now and the water surface  
8 wouldn't get high enough to put half the flow into the  
9 Butte Basin. Okay?

10           That was the position prior to the Corps study.

11           The Corps study I don't think has ever been fully  
12 embraced by the state, nor do I think it has any official  
13 status at the Corps. I don't think the Corps has ever  
14 made an official determination of what the federal  
15 interest is in the Butte Basin. I think that the federal  
16 interest before them was only to make sure that at least  
17 half the flow in the Sacramento River went into the Butte  
18 Basin.

19           If the Phelan Levee were to fail, it would not  
20 stop at least half of the water from going into the Butte  
21 Basin. It would be more than half. I think that there is  
22 a fundamental question of whether or not there is any  
23 obligation on the part of the state, The Reclamation  
24 Board, to control how much water goes into the Butte Basin  
25 to limit it in any way. I don't think -- Steve, is there

1 an answer to that question that you know of?

2 CHIEF ENGINEER BRADLEY: No. What they really  
3 want to do is limit the amount of water that goes down the  
4 Sacramento River, which is levied, and not the Butte  
5 Basin, which is a natural overflow area of the Sacramento  
6 River.

7 So there is a -- you know, the defined flow I  
8 believe at the flow split in the river there is 150, maybe  
9 160. And they want to keep that amount in the river. And  
10 any more than that they want to go into Butte Basin.

11 VICE-PRESIDENT HODGKINS: And would they care if  
12 it wasn't quite 150 in the river? If the river were only  
13 130 and the Butte Basin were higher, would anybody care  
14 from a project standpoint?

15 CHIEF ENGINEER BRADLEY: I don't know if I can  
16 answer that actually. I really don't know the answer to  
17 that.

18 VICE-PRESIDENT HODGKINS: Okay. And I think  
19 that's the uncertainty. And I'm not sure where you want  
20 to go from that. I mean we don't have flood easements out  
21 there. We didn't make any promises to the people in the  
22 basin as part of the project, I don't believe, that I'm  
23 aware of.

24 The work before that the state did on the levees  
25 up there was focused on keeping the hydraulic properties,

1 the water surface in the Sacramento River at the same  
2 elevation it would be to make half the water go into the  
3 Butte Bypass.

4           So I -- just so there's no misunderstanding, I  
5 think, and I'm trying to be overly candid here, that the  
6 bottom line is that whether or not we used to do revetment  
7 up there or not isn't -- was not an indication that we  
8 were attempting to prevent too much water from going into  
9 the Butte Basin.

10           I mean that's the way I see it.

11           CHIEF ENGINEER BRADLEY: And I'm not sure the  
12 state did the revetment. The Corps of Engineers did some  
13 rock work up in those areas. None of that is project up  
14 there. But the Corps did do some rock work on the river  
15 above the project levees. Mr. Brown asked a question as  
16 to, you know, all the way from Shasta down. Well, from  
17 the City of Redding down to where the project levees  
18 start, more or less, we have what is called the designated  
19 floodway. And the purpose of that is to maintain the  
20 historical flow patterns. We don't want people going up  
21 and putting a subdivision in it, and the river not being  
22 able to meander and wander. Up there the river basically  
23 just moves around as it wishes in that area.

24           Once the project levees start -- and on the right  
25 bank, or the west bank, it starts a little bit below

1 Hamilton City, I think about Mile 192, give or take.  
2 That's about eight miles downstream from Hamilton City.  
3 On the left bank, or the east bank, it starts below the  
4 overflow areas into the Butte Basin.

5           The Butte Basin, the Board back in the sixties I  
6 think ordered the landowners up there to degrade some of  
7 the levees, because what they had done is modify them or  
8 raise them, and it was forcing more flow down the river  
9 that would not have naturally gone there. It would  
10 naturally have gone into the Butte Basin. The Butte Basin  
11 people were trying to protect themselves from the overflow  
12 of the river, raised those areas where the overflow  
13 structure -- or the three overflow structures, M&T, 3B's,  
14 and Goose Lake. And they were raising those and forcing  
15 more water down into the levee portion of the river. And  
16 the Board stepped in and said, "No, you need to degrade to  
17 these elevations."

18           Back to Mr. Hodgkins' question, is whether  
19 anybody would care. I think if you physically do  
20 something to the river to change the flow split, I mean by  
21 a board action or a state action, people would care. Now,  
22 if the river naturally causes something to change that  
23 split, that's a different question. You know, if it  
24 naturally occurs, would that be different? And I don't  
25 know how it would be looked at. I think -- I just don't

1 know.

2           PRESIDENT CARTER: I guess one question brought  
3 up by your most recent comment, Steve, is, well, if we did  
4 something by physical -- if we did something by action to  
5 change the flow split, is that a concern? What if we did  
6 something -- what if we didn't do anything or we did  
7 nothing; and by virtue of inaction, is that a concern?

8           I guess my understanding is that the Board when  
9 they did decide to order the locals to degrade some of  
10 their levees and create overflow structures to I guess  
11 better mimic the historical overflow, they adopted the  
12 Butte Basin Overflow Plan. And in that plan it defines  
13 the flow splits. I don't know if anywhere in that plan it  
14 actually says that these are the flow splits and if they  
15 are exceeded either in the Sacramento or in the Butte  
16 Basin, that's good or bad. I don't know.

17           But according to Mr. Herringer's testimony before  
18 this Board, is that the locals -- and not just Mr.  
19 Heringer but the County of Butte, the County of Glenn,  
20 both have had folks that have said that -- "I mean we've  
21 relied on these structures. We have infrastructure that  
22 we're trying to protect. And if the flow splits are  
23 changed, if the Phelan levee fails, there's going to be a  
24 public safety issue." And I think that it's important for  
25 us to recognize that the Board has adopted that plan of



1 the Butte Basin Overflow Plan and it has not taken any  
2 action to change that.

3 And so in my eyes that stands. That is the  
4 state's policy with regard to that area, unless the Board  
5 takes action to change that.

6 So am I reading this correctly or is that --

7 CHIEF ENGINEER BRADLEY: Well, I think the  
8 question is is whether the state is responsible for taking  
9 care of that Phelan Levee, which is not one of the  
10 overflow structures, or whether the locals should be  
11 responsible for it. There's nothing that's stopping the  
12 locals from requesting permission from the Board to go out  
13 and repair their levee, nor to do a flood fight there or  
14 improvements on the waterside of the levee. I think it  
15 depends on what you want to consider responsibility and  
16 who's responsible for what. And like all these things,  
17 there's various levels of opinions, you know, from one  
18 extreme to the other. When it gets worked out, I don't  
19 know, in the end.

20 SECRETARY DOHERTY: The Phelan Levee is fine.  
21 It's the river bank that's collapsing. And somebody with  
22 more hydraulic knowledge than I explained to me that the  
23 area that's collapsing is not so much a concern as what is  
24 occurring in the river to cause this change, and that's  
25 what I should be concerned about. And I don't know,

1 because somebody from the Department would have to go up  
2 and see, is it that sand bar that's built up over there on  
3 the other side, is that what's causing it and that  
4 shouldn't be there? Or is the next big flood going to  
5 take that away? I don't know.

6 But I do feel we have some type of a  
7 responsibility here.

8 GENERAL MANAGER PUNIA: In my judgment it's time  
9 to revisit our plan. And I think that will be undertaken  
10 as the development of this new plan of flood control. I  
11 think the Board should be engaged in this and working with  
12 the Department of Water Resources so that we -- if there's  
13 a need to modify our existing plan, I think that will be  
14 the avenue. It's pretty soon going to be underway and we  
15 need to work closely with DWR in this subject.

16 SECRETARY DOHERTY: All right. Thank you, Mr.  
17 Punia.

18 CHIEF ENGINEER BRADLEY: The plan will be coming  
19 to the Board for adoption. That's part of the Bond Act,  
20 is that the Board adopts the plan of flood control.  
21 You're the entity that's actually going to be the partner  
22 with the Corps of Engineers on the project, and the Board  
23 actually adopts the plan of flood control. DWR will  
24 prepare it but the Board must adopt it.

25 PRESIDENT CARTER: So in the meantime does it

1 make sense for us to remind the Corps or remind DWR that  
2 the Board's current policy is as it's stated in the Butte  
3 Basin overflow plan that's been adopted by the Board?

4 SECRETARY DOHERTY: I think that that certainly  
5 is in line with what we have an obligation to do.

6 VICE-PRESIDENT HODGKINS: If you want that to  
7 stick, I would say put it in a resolution that puts  
8 numbers on it and notice it and put it in front of the  
9 Board, okay? Because I think we still haven't quite been  
10 able to connect in terms of understanding what the issue  
11 is. The state will read that plan, I would read that plan  
12 after I've finally come to understand it, being a  
13 downstream person, to say the plan is to make sure that  
14 flow -- water runs into the Butte Basin so that no more  
15 than 150,000 comes down the Sacramento River in a design  
16 event. That does not mean I will do work to make sure  
17 that more than 150,000 doesn't go into the Butte Basin  
18 during a design event. And that's the crux of this issue.  
19 Okay?

20 PRESIDENT CARTER: Okay. Mr. Tabor, did you want  
21 to address the Board on this?

22 MR. TABOR: Just very briefly.

23 GENERAL MANAGER PUNIA: I don't have anything  
24 else to add.

25 MR. TABOR: Ward Tabor for Department of Water

1 Resources.

2 I don't want to unnecessarily stick my nose into  
3 this matter, though I guess I did ten years ago when I  
4 wrote a letter to Mr. Heringer on behalf of the Board.

5 I think where the Department is on this is if in  
6 fact this erosion that's occurring on the M&T Ranch is  
7 something that's affecting the Sacramento River Flood  
8 Control Project because of the erosive nature of it, then  
9 it probably is something that the Corps should address as  
10 part of the Sacramento River Bank Protection Project. And  
11 if that's what the Board feels, then I think the Board  
12 should consider, you know, corresponding directly with the  
13 Corps, presenting the facts as Mr. Hodgkins suggested, and  
14 asking that the Corps address this matter.

15 If there's no response or an inadequate response,  
16 then I think Mr. Punia's also correct, that this is an  
17 issue that certainly can be addressed as part of the State  
18 Plan of Flood Control if it is something that people agree  
19 it is something that really is threatening the system.  
20 The Phelan Levee, as you've heard, is not part of the  
21 State Plan of Flood Control, it's not part of what the  
22 State has signed up to as being a local sponsor for. So  
23 in and of itself that's something that's really beyond the  
24 direct interest of the state.

25 Does it have a flood control function? Certainly

1 it does. But whether it's our responsibility or your  
2 responsibility, I think the answer to that is no.

3           So our question is: Is there effect on the State  
4 plan of Flood Control? And I would agree with Mr.  
5 Hodgkins' characterization, is that really the goal is to  
6 not let excessive flows go down the levee part of this  
7 system. That's really what we're trying to prevent. It's  
8 not necessarily the opposite of how much flow's going into  
9 the Butte Basin. It's to protect the integrity of that  
10 narrow downstream section.

11           I'd be happy to answer any questions.

12           VICE-PRESIDENT HODGKINS: And I -- Ward did an  
13 excellent job. All those things we attributed to Scott in  
14 the resolution, he exhibited too. He's right. The way to  
15 do it is to send a letter to the Corps with specific  
16 numbers and ask the Corps what the interest of the  
17 Sacramento River Flood Control Project is from the federal  
18 standpoint. That's a perfect place to start the  
19 discussion. He might even help write it in his spare  
20 time.

21           MR. TABOR: I'd be happy to review it. Thank  
22 you.

23           VICE-PRESIDENT HODGKINS: Yeah, okay.

24           SECRETARY DOHERTY: You're sorry you spoke up.

25           MR. TABOR: I'll let the engineers write it.

1           PRESIDENT CARTER: Very good.

2           So I guess what we'd like to do is have staff  
3 work on defining -- or understanding the Butte Basin  
4 overflow plan and then drafting a letter to the Corps  
5 asking their interest in that area from a perspective of  
6 the State Plan of Flood Control.

7           SECRETARY DOHERTY: Can I add an additional  
8 something?

9           Mr. Hodgkins suggested on October 19th that a  
10 letter be sent to M&T. And that was Item 5 at that time.  
11 Did we ever send that letter to the M&T?

12          VICE-PRESIDENT HODGKINS: I'd have to have -- I  
13 don't recall any letter going to M&T.

14          Do you, Jay?

15          GENERAL MANAGER PUNIA: No. I think we responded  
16 that joint letter or DWR sent a letter to M&T Ranch. I  
17 think those copies are here.

18          No, this was the letter going to the senator in  
19 response to the request from M&T.

20          I need to go --

21          SECRETARY DOHERTY: I'll go back and look it up.

22          GENERAL MANAGER PUNIA: Yeah, we'll check.

23          I think there was a letter sent to Mr. Les  
24 Heringer, a joint letter -- or it's jointly prepared  
25 letter from Department of Water Resources. But we haven't

1 sent any letter to the U.S. Army Corps of Engineers on  
2 this subject so far.

3 VICE-PRESIDENT HODGKINS: What I do remember,  
4 Lady Bug, is agreeing to work with Jay to help draft this  
5 letter to the Corps. Okay?

6 SECRETARY DOHERTY: All right.

7 VICE-PRESIDENT HODGKINS: And that may be what  
8 that's in relationship to.

9 SECRETARY DOHERTY: Oh, okay. But I'll check the  
10 transcripts.

11 VICE-PRESIDENT HODGKINS: And, Mr. Punia, are you  
12 ready to work with me to draft that letter?

13 GENERAL MANAGER PUNIA: Yes, I think I will work  
14 with Board Member Butch Hodgkins and prepare this letter  
15 for sending to the Corps.

16 SECRETARY DOHERTY: Okay. Thank you very much.  
17 Appreciate that.

18 PRESIDENT CARTER: Very good.

19 Any other questions or comments on this?

20 All right. We'll move on to Item 10, which is a  
21 Memorandum of Agreement. Consider Approval of a  
22 Memorandum of Agreement between the Board and the  
23 Department of Water Resources for cooperation to allow the  
24 implementation of the recent flood legislation,  
25 specifically -- or one of them is Assembly Bill No. 5.

1           I will go ahead and introduce this topic. As I  
2 think you all are aware, the Board as a result of the  
3 legislation is entering into a memorandum of agreement  
4 with DWR that essentially redefines its relationship with  
5 DWR and how DWR supports the Board, both administratively,  
6 technically. And we have been in discussions with DWR for  
7 approximately a month now essentially trying to define  
8 that relationship.

9           The course that we chose to take was to -- given  
10 the short timeframe of the calendar year and the  
11 complexity of defining this relationship, the Board  
12 decided to draft an interim MOA, which is essentially a  
13 bridge agreement that allows the Board to continue to  
14 operate at the conclusion of this calendar year, 2007,  
15 into 2008 with the support of DWR and its resources in  
16 doing its job.

17          This interim MOA, which I believe all Board  
18 members have a copy of, essentially is -- the intent of it  
19 is a bridge agreement. It allows us to continue to  
20 operate. It asked DWR to cooperate with the Board in  
21 providing information and continue discussions with the  
22 Board to determine ultimately what organization and what  
23 support services the Board is going to require given its  
24 existing and new responsibilities as a result of the  
25 legislation.



1           The Board just recently kind of put the final  
2 touches on this, as recently as yesterday evening, as a  
3 matter of fact, with the assistance of the Secretary of  
4 Resources Legal Counsel, who we asked to take a lead  
5 responsibility on negotiating -- or representing the Board  
6 during these discussions, and also with the Attorney  
7 General's Office.

8           And so what we can do here -- myself, Butch, and  
9 Jay have been the primary folks who have been involved in  
10 that from the Board perspective, aside from Debra Smith,  
11 who is helping us while Virginia Cahill is on vacation  
12 this week, and Mary Akens is sitting in for Kirk Miller,  
13 who originally agreed to help us and had -- because of  
14 personal reasons, had to leave the country.

15           So, Butch, do you have anything that you'd like  
16 to add to this? I think what we might do is -- if it  
17 pleases the Board, we can walk through the document if  
18 you'd like.

19           But in general, Butch, do you have anything you'd  
20 like to add, or perhaps Mary or Debra?

21           VICE-PRESIDENT HODGKINS: I think the real  
22 challenge here is going to be in working collaboratively  
23 with DWR and getting the budget approved in a manner that  
24 will enable us and DWR under this future agreement to  
25 enter into an agreement where we have confidence that we

1 not only know how we're going to do it, but we have the  
2 resources to be able to accomplish the implementation of  
3 the new legislation. This was a great first start towards  
4 that, but that's still the task ahead of us.

5 MS. SMITH: I can add real briefly, that from my  
6 perspective it's -- as Butch said, it's an interim  
7 agreement, and it is a reasonable and a practical approach  
8 to embracing AB 5. And it does embrace the intent of AB 5  
9 by both letting this Board hit the ground running come  
10 January 1st but then also puts into place the processes to  
11 assess the Board's needs and to come back and finalize an  
12 MOA.

13 PRESIDENT CARTER: Okay. Mary.

14 MS. AKENS: Thank you, Mr. President.

15 I wanted to add that the role of the Resources  
16 Agency was to help facilitate the process, to document the  
17 process, and to ensure that the law was implemented into  
18 the document.

19 I do want to also add that the Resources Agency  
20 does not take a position on this matter.

21 And I'm happy to help in any way and answer any  
22 questions. Thank you.

23 PRESIDENT CARTER: Okay. At this point we can go  
24 through the document, if you'd like.

25 Is that the pleasure of the Board?

1 BOARD MEMBER BROWN: Sure.

2 PRESIDENT CARTER: Okay. Essentially if we turn  
3 to page 1, the agreement's between the California  
4 Reclamation Board and Department of Water Resources.

5 The recitals talks about when the Board was  
6 established and has independent authority relating to the  
7 Central Valley Flood Control Program. It gives some  
8 history in paragraph 2 about a reorganization that  
9 occurred in the late sixties, early seventies, where the  
10 Reclamation Board was an independent agency and was  
11 reorganized and folded into DWR administratively. And  
12 references some agreements that are in the form of MOAs  
13 and resolutions made by the Board.

14 Paragraph 4 talks about the action that was taken  
15 by the voters and the Legislature with regard to the flood  
16 bonds and the new legislative action. Probably key here  
17 is that it says that the Board -- it's the intent of the  
18 Board and DWR to work commonly towards improving the  
19 public safety in flood control.

20 Let's see. Five is that the Legislature enacted  
21 in 2007 AB 5 and has -- and there's request that there's  
22 greater flood protection for the Central Valley as a  
23 result of the legislation and the bonds.

24 Six mentions changing the Board's name from the  
25 Reclamation Board to the Central Valley Flood Protection

1 Board and goes through specific sections, Section 8550 in  
2 terms of the intent of the Legislature and the duties and  
3 responsibilities of the Board and its relationship with  
4 DWR, essentially kind of establishing a more of an arms  
5 length relationship between the Reclamation Board and DWR.

6 Any questions up to that point?

7 BOARD MEMBER BROWN: Yeah, in 4, what's the  
8 status? Was there a plan that made for the billions of  
9 dollars to be invested and out of the result of Prop 1E?  
10 What's the status on that now?

11 PRESIDENT CARTER: Is there somebody from DWR who  
12 is responsible for developing that plan?

13 BOARD MEMBER SUAREZ: I think the reference is to  
14 on a yearly basis they're supposed to be providing  
15 information on how that -- that it's a Prop 1E dollar that  
16 we're talking about, to the Governor's Office and the  
17 Legislature regarding how the money is being spent.

18 BOARD MEMBER BROWN: Well, surely there's some  
19 type of a master plan that's developed in order to direct  
20 those funds to.

21 MR. TABOR: Good afternoon. Ward Tabor for DWR.

22 We developed that spending plan for these bond  
23 issues that was approved by the Governor's Office. And  
24 Member Suarez is correct, there's going to be a  
25 monthly -- or a yearly status report on our generation of

1 the State Plan of Flood Control. State Plan of Flood  
2 Control under the statute is due out in the year 2012.  
3 And so we're going to have annual reports and the Board is  
4 part of that annual reporting process.

5 BOARD MEMBER BROWN: It's \$3 billion. Do you  
6 have major capital improvements identified that you're  
7 targeting now?

8 MR. TABOR: We are generating -- the spending  
9 plan that went forward, was approved by the Governor's  
10 Office, has target areas. And that report is available to  
11 the Board. It's available on DWR's Flood Safe website. I  
12 encourage you to look at that. If you need a copy, we can  
13 provide it for you.

14 We have approximately \$1.4 billion appropriated  
15 this year for various activities. Some of them are for  
16 the Board's ongoing flood control projects, West  
17 Sacramento, et cetera. Some of them are for the early  
18 implementation program. And some are for some of the  
19 other geotechnical and mapping exercises that the  
20 Department has initiated. And we're going to be  
21 initiating a second round of early implementation projects  
22 as well as a local levee program.

23 So a number of programs that are moving forward  
24 as we go on. And obviously we anticipate getting  
25 additional money appropriated next year for further

1 activities.

2 BOARD MEMBER BROWN: On those improvements has  
3 our staff had participation in that? Or what's our  
4 responsibility? Or does DWR --

5 MR. TABOR: The early implementation program are  
6 all essentially modifications to the Sacramento River  
7 Flood Control Project, which are all under the Board's  
8 authority under 8710 of the Water Code. So each one of  
9 those projects would be reviewed and approved by the Board  
10 before any construction activities take place.

11 BOARD MEMBER BROWN: Okay. Do we have any  
12 ongoing reports on what's being proposed?

13 MR. TABOR: I'm not sure if there's anything  
14 comprehensive right now other than that spending plan,  
15 which is pretty accurate. But a general document in terms  
16 of where our directions are. We're in the process of  
17 putting together a strategic plan which will probably be  
18 daylighted sometime early in the new year.

19 BOARD MEMBER BROWN: Okay.

20 MR. TABOR: Which obviously we want the Board to  
21 be a part of that as well.

22 BOARD MEMBER BROWN: If you have a spending plan,  
23 you must have projects in mind as to how you're going to  
24 spend it.

25 MR. TABOR: We do.

1           BOARD MEMBER BROWN: Well, that's what I'd like  
2 to see.

3           MR. TABOR: Well, we'll share that report with  
4 you.

5           BOARD MEMBER BROWN: Thank you.

6           BOARD MEMBER SUAREZ: Mr. Brown, at least this  
7 time around it was all part of the Governor's budget  
8 process. So I'm sure that's probably what's happening  
9 again for 2008.

10          MR. TABOR: Absolutely. All of 1E is subject to  
11 reappropriation by the Legislature. And most of Prop 84  
12 is subject to reappropriation. A small part of 84 is  
13 continuously appropriated. That money is going for our  
14 local levee program and some of our mapping efforts, which  
15 we're doing -- obviously they were focusing on floodways  
16 that are of interest to the Board. So a lot of San  
17 Joaquin efforts. But we're actually doing mapping efforts  
18 throughout the Central Valley.

19          BOARD MEMBER BROWN: Okay.

20          PRESIDENT CARTER: Okay. Any other questions up  
21 through page 2?

22          Okay. Continuing on with the recitals.

23          The Item 7 or paragraph 7 says that AB 5 also  
24 establishes programs such as development of flood control  
25 status reports, which we just kind of discussed, for the

1 State Plan of Flood Control and then Central Valley Flood  
2 Protection Plan, which will require close coordination  
3 with the Board. And in fact adoption of the Central  
4 Valley Flood Protection Plan by the Board and adoption of  
5 the State Plan of Flood Control by the Board.

6 BOARD MEMBER BROWN: Do we have both those plans?

7 PRESIDENT CARTER: No. They're to be developed  
8 as part of this.

9 Item 8 talks about the staff and the fact that we  
10 need well qualified and experienced individuals to meet  
11 our new and existing obligations of the Legislature.

12 BOARD MEMBER BROWN: Mr. Chairman, on that and --  
13 if I may. The professional staff identified look pretty  
14 thin to me. Butch, they're talking about five years of  
15 experience in engineering. When I had five years of  
16 experience in engineering I wasn't much help on anything  
17 substantial back then. It seems like that's a little  
18 light.

19 VICE-PRESIDENT HODGKINS: You mean you didn't  
20 design major projects five years into your career?

21 BOARD MEMBER BROWN: No.

22 VICE-PRESIDENT HODGKINS: That's part of the  
23 challenge for the future, John. I mean staffing requires  
24 funding. And I know DWR is trying to hire people now, as  
25 we have recently.



1           I mean our staff has doubled over the last year  
2 and a half, maybe more than doubled. So I think we  
3 understand -- I agree with you. I think we're going to do  
4 what we can do to address those issues. But it's also --  
5 part of that is we need the funding.

6           BOARD MEMBER BROWN: This was for the Board  
7 members. And the criteria that's been laid down for Board  
8 members, if I read it right, I think the professional  
9 staff was the attorneys and the engineers and such, I  
10 believe was like five years of experience. And I thought  
11 that was a little thin for Board members, not necessarily  
12 for the members at large but for --

13          VICE-PRESIDENT HODGKINS: I misunderstood you.

14          I think there's no specific requirement in the  
15 legislation for experience of the Board members. It says  
16 will also be a flood control expert, whatever that means.  
17 One should be an engineer. One shall be an attorney and  
18 one shall be a hydrologist or geologist. But it doesn't  
19 set any specific qualifications beyond that.

20          BOARD MEMBER BROWN: Those were the positions I  
21 was addressing.

22          VICE-PRESIDENT HODGKINS: What?

23          BOARD MEMBER BROWN: Those were the positions I  
24 was addressing. And the five-year experience requirement  
25 seemed a little thin for that.

1           STAFF COUNSEL MORGAN: Those positions aren't  
2 part of this agreement. This agreement will have no  
3 impact on those positions. Those positions are controlled  
4 by the government.

5           BOARD MEMBER BROWN: You're right, you're right.

6           Excuse me, Mr. Chairman.

7           PRESIDENT CARTER: Okay. Paragraph 9 talks about  
8 the fact that because of the new legislation there's a  
9 reassessment of the existing programmatic and  
10 administrative relationship required between DWR and the  
11 Board.

12           Paragraph 10 says that once this reassessment is  
13 completed, it will result in a new memorandum of  
14 agreement. So essentially it says explicitly this is an  
15 interim, that once we go through this process, we expect  
16 to have a new memorandum of agreement between the Board  
17 and DWR.

18           Item 11 says that essentially because of the  
19 importance of what the Board does, that it's the desire of  
20 DWR and the Board to maintain their -- essentially their  
21 existing relationship during the period of this  
22 reassessment or during the period that this interim MOA is  
23 in place.

24           And, finally, paragraph 12 in the recitals it  
25 states that the parties are willing to enter into this

1 interim agreement to continue to provide the  
2 administrative and programmatic support to the Board under  
3 the conditions set forth.

4 And so now we begin the agreements.

5 Are there any other questions on the recitals?

6 Okay. So on page 4, number 1, following "Now,  
7 therefore, it's hereby agreed as follows," that the  
8 interagency agreement between the Board and DWR dated  
9 April 19th, 1976, which established a relationship between  
10 the Board and DWR, has been essential, and the provisions  
11 of that will continue under this interim MOA until the  
12 assessment has been complete and a new MOA is implemented.

13 And it also states, importantly, that it's the  
14 intent of the parties to undertake this reassessment with  
15 the objective of completing that by March 1st of 2008.

16 Our perspective is that it's very, very important  
17 that we understand what resources we need to -- what  
18 resources we have in place today and what resources we  
19 need to have in place in the future to execute our  
20 responsibilities early, and that is essentially the  
21 foundation by which we then negotiate the final MOA or the  
22 longer term MOA with DWR to provide those services and  
23 figure out what the appropriate structure is of the  
24 organization.

25 So the assessment will be done by March 1st. And

1 that will be the foundation for the negotiations of the  
2 subsequent MOA.

3           The paragraph 2 says that once this interim  
4 agreement is executed and until the subsequent agreement  
5 is negotiated, the parties will rely on existing  
6 agreements to govern how DWR provides its support to the  
7 Board. And it states specifically some resolutions that  
8 have been passed by the Board in the past, a resolution  
9 adopted in 1969 one in '71, one in '76, and then another  
10 in '77, which essentially define these relationships.  
11 They're essentially saying that DWR will supply  
12 administrative and programmatic support to the Board in  
13 support of its programs.

14           And then paragraph 3 defines that the direct  
15 staff that we have in existence today will remain in place  
16 essentially unchanged. However, that the DWR agrees to  
17 not make any changes in that staff without first  
18 consulting the Board.

19           Mr. Brown.

20           BOARD MEMBER BROWN: Mr. Chairman, sorry to back  
21 up to Item No. 1 there again. But completing the  
22 assessment objective by March 1st, 2008, boy, that's --  
23 can you do that? That's a lot of your time and Butch's  
24 too to -- that's really feet to the fire.

25           PRESIDENT CARTER: Right. That's our intent. It

1 is a challenge. The reason we want to try and do that by  
2 that time is that essentially the budgeting process for  
3 2009-2010 begins in May of 2008. So we need to have some  
4 sort of an idea of where we're headed so that we can  
5 communicate our needs -- or begin to communicate our needs  
6 and articulate those as of May of 2008.

7 BOARD MEMBER BROWN: Right.

8 PRESIDENT CARTER: So we don't have a lot of  
9 time, no. And so this is the goal. And we wanted to have  
10 that date in there particularly since -- I mean we're  
11 relying on DWR to supply a lot of information that is the  
12 data for which we're going to use to identify what  
13 resources we need. And we wanted them to work towards  
14 that date.

15 BOARD MEMBER BROWN: Okay.

16 PRESIDENT CARTER: Let's see, where am I?

17 Page 5. Let's see, talked about paragraph 3  
18 where it defines the direct staff. That's essentially the  
19 existing staff, with the addition of a staff assistant and  
20 analyst to the Board, which Mr. Punia is on the brink of  
21 putting someone in place nor that.

22 Item 4 addresses legal counsel. It says that the  
23 Board will retain independent legal counsel as part of its  
24 direct staff. That is in place today. We have the Deputy  
25 Attorney General Virginia Cahill has agreed to help us.

1 They have indicated -- the Attorney General's Office has  
2 indicated to us that they are able to provide us  
3 independent counsel through June 30th. Come July 1, they  
4 are going to need some indication from the Board and some  
5 funding from the Board in order to continue providing  
6 independent legal counsel if that is the course the Board  
7 wishes to go. But essentially between now and then they  
8 are providing assistance to us, and it's part-time  
9 assistance pro bono.

10           At the request of -- also in paragraph 4,  
11 however. At the request of the Board and if such  
12 representation does not represent an actual conflict, DWR  
13 will furnish legal services in the areas of environmental  
14 compliance and review, contracts, right of way, and  
15 employment matters.

16           And I think this we're very comfortable with at  
17 this point. The Attorney General's office and Virginia is  
18 very comfortable with this, because she doesn't have  
19 necessarily expertise -- or their office doesn't have  
20 expertise necessarily in rights of way and employments and  
21 so forth. So she was very happy that we were going to  
22 have this kind of an arrangement.

23           Paragraph 5. This is one of the key pieces of  
24 information that the Board has asked for. DWR will  
25 provide the Board's Executive Committee information on

1 direct, indirect, and shared positions that support the  
2 Board, so that we can get our arms around what level of  
3 support DWR is providing us today and how that is  
4 organized, so that we can then put that in the context of  
5 what our new responsibilities are.

6           Item 6 talks about the budget change proposal  
7 that we have submitted already, saying that the Board and  
8 DWR will continue to pursue that budget change proposal  
9 and will -- and that budget change proposal includes some  
10 funding, some limited funding for new responsibilities and  
11 staff. And then once we have defined what our ultimate  
12 needs are, we're going to have to either submit another  
13 budget change proposal, which there are May -- what do  
14 they call it, the May -- Mr. Punia?

15           GENERAL MANAGER PUNIA: May revised.

16           PRESIDENT CARTER: May revised. There is an  
17 opportunity in May to ask for some changes to the budget  
18 for this coming fiscal year, and we could submit those.

19           Let's see. Item 7 identifies that DWR will -- or  
20 states that DWR will name a specific individual who will  
21 be a principal contact within DWR for the coordination of  
22 the support to the Board moving forward. In the past we  
23 really haven't had a formal principal contact with DWR,  
24 and the Executive Committee has used the director of DWR  
25 as that point of contact.

1           Item 8 is essentially, if there is a  
2 disagreement, the two parties, the Board and DWR, will try  
3 and resolve the conflict, elevate that to essentially the  
4 President of the Board and the Director of the Department.  
5 If they can't work things out, that then it will be  
6 elevated to the Secretary of Resources for mediation.

7           Item 9 says that either party can get out of this  
8 agreement within a 30-day written notice.

9           And 10 is, in the event of a conflict between the  
10 terms of this interim memorandum of agreement and any  
11 existing agreements between DWR, that this interim  
12 agreement is the controlling agreement.

13           So that's basically it.

14           BOARD MEMBER BROWN: That's a good job.

15           PRESIDENT CARTER: Are there any other questions?

16           SECRETARY DOHERTY: Difficult job too.

17           BOARD MEMBER BROWN: A lot of work in a short  
18 period of time you've done.

19           PRESIDENT CARTER: I'd like to ask again Butch or  
20 any member of the staff that participated if they have  
21 anything they'd wish to add on that?

22           Mr. Tabor, would you like to comment?

23           MR. TABOR: Well, this is an historic agreement  
24 in a number of ways. We had six either current or former  
25 board counsels working on this agreement. So there's not



1 too many agreements that can say they've had that level of  
2 reclamation brainpower at work.

3 I think this agreement provides a smooth  
4 transition from The Reclamation Board to the Central  
5 Valley Flood Protection Board. It acknowledges the new  
6 legislation that's been passed that's going to affect the  
7 way we do flood control in California. But there's never  
8 been a greater need for the continued high level of  
9 cooperation between the Board and DWR.

10 It clearly acknowledges the need for a future  
11 memorandum of agreement and clearly acknowledges the  
12 Board's new independent counsel through Ginny Cahill and  
13 Debra Smith. And it also discusses the DWR legal services  
14 that can be provided, and those would be provided  
15 fundamentally under my supervision.

16 Clearly, there's a need for financial information  
17 both for the Board and for DWR on the direct, indirect,  
18 and shared staff that we all have. It recognizes the need  
19 for a future budget change proposal to provide for  
20 compensation to the Board members as well as additional  
21 staff that the Board may deem necessary.

22 And it creates for the first time really a  
23 principal point of contact at DWR for Board activities,  
24 and provides for a dispute resolution process.

25 I think this is a great first step for this

1 relationship. Hopefully it will take away people's fears  
2 about the transition of the new Board into the new year.

3 And I would urge that the Board approve and  
4 execute this interim memorandum of agreement.

5 Be happy to answer any questions.

6 PRESIDENT CARTER: Any questions for Mr. Tabor?

7 BOARD MEMBER SUAREZ: No.

8 But, Mr. President, I want to thank you and Mr.  
9 Hodgkins and the staff for all the good work.

10 And I'd like to move that the Board approve --  
11 authorize the President and approve the agreement as  
12 presented to us.

13 BOARD MEMBER BROWN: Second it.

14 PRESIDENT CARTER: Okay. We have a motion and a  
15 second.

16 Any further discussion?

17 GENERAL MANAGER PUNIA: I want to recommend that  
18 if in the motion we can include that the President is  
19 authorized to make final minor tunes -- if there is any  
20 minor change we need to accommodate, that he's authorized  
21 to make those changes without bringing an MOA back to the  
22 Board.

23 BOARD MEMBER SUAREZ: So amended.

24 BOARD MEMBER BROWN: Approved by the second.

25 PRESIDENT CARTER: Okay. So the motion is to

1 approve the MOA as presented, and authorize the President  
2 to sign the MOA on behalf of the Board, and also authorize  
3 the President to approve and sign on any minor changes to  
4 this interim MOA. Okay?

5 All right. Any other discussion?

6 Okay. Anyone opposed to taking the vote?

7 Okay. The question's been called.

8 All those in favor indicate by saying aye.

9 (Ayes.)

10 PRESIDENT CARTER: And opposed?

11 Motion carries.

12 Terrific. Thank you.

13 BOARD MEMBER SUAREZ: And, again, I want to thank  
14 you all for the good work that you did.

15 BOARD MEMBER BROWN: And, Mr. Tabor, thank you.

16 BOARD MEMBER SUAREZ: I will sleep better tonight  
17 knowing that this is done with.

18 PRESIDENT CARTER: There's a lot more work to do.  
19 So we'll keep plugging away.

20 Thank you.

21 Moving on now to Item 11, Status of the Flood  
22 Control Projects and Preparations for the Upcoming Flood  
23 Season.

24 Mr. Bardini.

25 Good afternoon. Welcome.

1           HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI: Good  
2 afternoon. Thank you, Chairman Carter and members of the  
3 Board. Gary Bardini, Chief, Hydrology/Flood Operations  
4 from Water Resources.

5           It's good to see all from our last year. We had  
6 given the similar talk and bring you up to where we're at  
7 this year in our readiness for flood control broadly and,  
8 more specifically, here in the Central Valley.

9           We broke it up into four basic segments. We're  
10 going to have Elissa Lynn here go over where we're at in  
11 terms of where we're at in readiness in our future weather  
12 outlooks and where we're at in hydrology right now.

13          I myself will give the presentation on our  
14 readiness of the Flood Operations Center. I would have  
15 introduced you

16          to Bill Croyle, who's the new Chief of the Flood  
17 Operations Center. And unfortunately today he is now  
18 training with a number of folks on an incident command  
19 team at FOC today and was not available to be here so  
20 you'd have a chance to meet him.

21          Then I'd like to have Jeremy Arrich give you an  
22 overview of where we're at in terms of the readiness from  
23 the inspections and where we're at in the flood control  
24 system.

25          And then, lastly, have Noel Lerner provide an

1 overview where we're at in terms of the maintenance  
2 activities that are going on with inter-maintenance areas  
3 within the Department.

4           So with that, what I'd like to do is go ahead and  
5 have Elissa go ahead and lead it off and kind of give you  
6 an idea of what it looks like potentially this year.

7           SENIOR METEOROLOGIST LYNN: Good afternoon,  
8 Board. My name's Elissa Lynn, Senior Meteorologist with  
9 Department of Water Resources.

10           Let's see if I can find that right presentation.  
11 They both have the same name.

12           (Thereupon an overhead presentation was  
13 Presented as follows.)

14           SENIOR METEOROLOGIST LYNN: And sorry this wasn't  
15 included in your packet yet. But it rained last night, so  
16 I want to give you the fresh numbers hot of the presses.  
17 I do have some copies of the charts if you'd like to take  
18 a peek. I'll keep them for later.

19           Okay. Just to let you know where we are so far  
20 for this water season that started on October the 1st.

21                               --o0o--

22           SENIOR METEOROLOGIST LYNN: As of this morning,  
23 the Northern Sierra 8 Station Precipitation Index, what we  
24 chart above at least Shasta and Oroville for the northern  
25 Sierras, about 11.1 inches, 76 percent of average, which a

1 good considering going into this week's storms we were  
2 only at about 59 percent of average.

3 Sacramento tallying this morning, we're at about  
4 five inches of precip. So that's close to average.

5 And in L.A. they're doing well, which La Nina  
6 wouldn't have said it would. So more on that in just a  
7 moment. They're at 111 percent with 3 1/4 inches at LAX.

8 --o0o--

9 SENIOR METEOROLOGIST LYNN: As far as the  
10 northern Sierra precip index goes, that's up four inches  
11 this past week. It's been a good productive week for the  
12 state. And we are right where we were at this time last  
13 year, at 76 percent. But we do not want to mimic last  
14 year any further, because in January we had 17 percent of  
15 normal and things went downhill from there. So let's hope  
16 that we're not going to copy that.

17 So far this season October had about 3 1/2  
18 inches. That's 117 percent of the normal. November was  
19 not very good for us. December so far has 6 1/2 inches.  
20 So of a December, that's about three-quarters of a normal  
21 month. There is another chance for precip at the end of  
22 next week, but not nearly as strong as what we'd just had.

23 --o0o--

24 SENIOR METEOROLOGIST LYNN: Our first water  
25 supply indices are out for December 1st. Sacramento River

1 runoff forecast is about 13.8 million acre-feet or 74  
2 percent of average. This is the first estimate as to  
3 where we'll stand at the end of the water year. This will  
4 continue to be clarified and updated, especially after we  
5 get some more snowpack measurements.

6 And the classification at this point will come  
7 out dry for the median water year type index for  
8 Sacramento, critical for the San Joaquin Valley. And  
9 those are the designations that we ended last season with.  
10 So there's been no movement in those yet.

11 --o0o--

12 SENIOR METEOROLOGIST LYNN: Reservoir storage.  
13 Shasta at this point, at December 1st anyway, about 62  
14 percent of average; Oroville, 58 percent; Folsom, 51  
15 percent of average; and New Melones, 109 percent of  
16 average. Those are four of the larger northern California  
17 reservoirs.

18 By comparison to last year, we're certainly below  
19 where we were at this point in the season last year. We  
20 had been coming off of a wet year last time. Last year,  
21 Shasta, 113; Oroville, 122; and Folsom had been at 108  
22 percent of average; and New Melones, 151.

23 --o0o--

24 SENIOR METEOROLOGIST LYNN: However, not to fret.  
25 Looked up some of the years of the past. Statewide

1 December 1st average comparison to some famous drought  
2 years of the past: 1976, '77, and '92 were all lower than  
3 where we are at this point in the season. '76 we were at  
4 63 percent of average; '77, down to 35 percent, and that  
5 was the lowest year; '92, 56 percent. And so our 83  
6 percent of average statewide number is looking pretty  
7 good.

8 --o0o--

9 SENIOR METEOROLOGIST LYNN: Now, as a rough  
10 estimate to where we'd need to be to recover, based on  
11 what we had which was a great week at four inches per  
12 week, a very rough estimate if we had precipitation  
13 amounts that came in at just the right way and we could  
14 store that pretty well, which we should be able to do at  
15 this point in the season:

16 To not worsen or not get worse, we'd need another  
17 24 inches, or six weeks like what we just went through.

18 To see a recovery, making up for last year, at 85  
19 percent for this year, we'd have to have 31 inches of  
20 additional precip, or eight weeks like we just went  
21 through.

22 And in order to get back to normal we'd ten more  
23 weeks of what we just had storm wise.

24 --o0o--

25 SENIOR METEOROLOGIST LYNN: So the overall



1 average conditions, here's our summary: Precipitation,  
2 about 76 percent of normal; reservoir storage at 17.8  
3 million acre-feet right now, that's 83 percent of average;  
4 runoff, 50 percent. And I don't have on there, but as of  
5 this morning the snowpack statewide average is 58 percent  
6 of normal. And the central and southern Sierra really got  
7 a good dose.

8 --o0o--

9 SENIOR METEOROLOGIST LYNN: So what are our  
10 chances as we go through this winter of having a normal  
11 season or above normal or flooding? Well, that depends a  
12 bit on what's going on in the oceans.

13 This year is a La Nina year. It's strengthening.  
14 And the latest climate prediction center update is that it  
15 will continue into spring of 2008.

16 What's does that mean for us here?

17 --o0o--

18 SENIOR METEOROLOGIST LYNN: Well, La Nina is a  
19 cooler ocean temperature mass over the central Pacific.  
20 And California's in the upper right, the North America,  
21 the United States, the one on the west coast is at. It  
22 doesn't change our ocean temperatures, but it can move the  
23 jet stream.

24 --o0o--

25 SENIOR METEOROLOGIST LYNN: And so what you see

1 during a La Nina, like we're experiencing now, is an  
2 overall blocking high pressure system with an occasional  
3 jet stream bumping through. This is my graphic that shows  
4 when it rains, it pours. You can have a very dry season  
5 overall. But now and then if the jet does bump underneath  
6 a high pressure ridge, you'll have a great deal of rain in  
7 a short period of time. That's what they had two weeks  
8 ago in Oregon. That was sort of typical of a La Nina type  
9 situation. And the storm pattern that we had this week,  
10 it was a lot of rain in a short period of time. Nothing  
11 that we couldn't handle at this point. But La Ninas can  
12 bring you a short period of heavy rainfall, which could  
13 lead to flooding, in spite of the whole year being drier  
14 than average.

15 --o0o--

16 SENIOR METEOROLOGIST LYNN: For northern  
17 California it's a highly variable weather pattern. Wet at  
18 the first part of the season, October through December.  
19 We still need to see some more of that though. It hasn't  
20 been as typical as the usual.

21 And then when we get into January to March things  
22 dry out, which would not be good news but that's a  
23 possibility.

24 And southern California the forecast is generally  
25 very dry for La Nina.

1                               --o0o--

2               SENIOR METEOROLOGIST LYNN: For the 8 station  
3 index for that precipitation, the October to November  
4 total was very dry, 21st driest start of the last 89 -- of  
5 last 89 years. However, December is turning the corner.

6               On the plus side, six of the last nine moderate  
7 to strong La Ninas did end above average  
8 precipitation-wise. They can turn around. But La Ninas  
9 that started as dry as this one did in October and  
10 November may only recover to about 50 to 90 percent of an  
11 average season.

12                              --o0o--

13              SENIOR METEOROLOGIST LYNN: Potential for  
14 flooding during a La Nina. Looking up the large northern  
15 California floods that have occurred, kind of a rough  
16 estimate, what type of ocean condition led to those? El  
17 Niño years, about 47 percent of the time. La Nina years  
18 have about a 19 percent chance. This is a really rough  
19 estimate. And La Nada, or when you don't have either, 24  
20 percent of the time you'll still get a flood.

21                              --o0o--

22              SENIOR METEOROLOGIST LYNN: Pay your money and  
23 take your chances. However, the floods of '55 and '64  
24 were under moderate to strong La Nina conditions. So they  
25 can occur. And the upshot is a dry year overall, with a

1 potential for flooding. A little confusing.

2 --o0o--

3 SENIOR METEOROLOGIST LYNN: The three-month  
4 outlooks from the Climate Prediction Center for January  
5 through March. Temperature-wise, EC means about equal  
6 chance of seeing normal temperature pattern. The red area  
7 indicates a little warmer, so the southern half of the  
8 State is likely to be a little bit above normal  
9 temperature-wise. But as far as precipitation goes, the  
10 graph is uglier. That's our three-month precipitation  
11 forecast for January, February, March of next year, where  
12 we're headed for the next 90 days after we turn the new  
13 year.

14 The B area, the brown, is a better than average  
15 chance of below normal precipitation. So it's likely to  
16 be much drier than average. The darker the brown shading  
17 gets, the poorer the precipitation outlook.

18 Pacific northwest is likely to have a wet year,  
19 which they've already seen. Northern California, where we  
20 are anyway locally, we're right in the middle. A La Nina  
21 can bring you a wetter than normal year; it can bring you  
22 a drier than normal year

23 --o0o--

24 SENIOR METEOROLOGIST LYNN: We're currently  
25 conducting our weather briefings two to five days per

1 week, depending on the weather storm intensity. And  
2 they're at 10 a.m. And we're trying to provide a web cast  
3 for internal Department of Water Resources users. We're  
4 trying to get up to date with other web types out there in  
5 the world as one of our modernization efforts.

6 --o0o--

7 SENIOR METEOROLOGIST LYNN: Couple thank you's.  
8 That's all I have.

9 Any questions about the weather?

10 SECRETARY DOHERTY: Yeah. Is it really going to  
11 happen that way?

12 SENIOR METEOROLOGIST LYNN: It never does.

13 (Laughter.)

14 SENIOR METEOROLOGIST LYNN: Last year was an El  
15 Niño year that should have produced a great deal of  
16 flooding perhaps in the southwest and even southern  
17 California. And they had their driest season ever. So  
18 maybe they're becoming less reliable. Certainly not the  
19 only method of prediction.

20 SECRETARY DOHERTY: Try the Farmer's Almanac.

21 (Laughter.)

22 SENIOR METEOROLOGIST LYNN: Thank you.

23 PRESIDENT CARTER: Thank you.

24 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

25 Well, as you pointed out, it's not a perfect

1 science. But it is our best guess for what we can expect.

2 Jeremy, I don't see the...

3 (Thereupon an overhead presentation was

4 Presented as follows.)

5 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

6 Okay. What I'd like to do is again -- first of  
7 all, just to actually see the new addition here. Elissa  
8 Lynn has actually been with us for just less than a year.  
9 We're glad to have her, replacing Bill Marks, as helping  
10 in our interpretive meteorology. It's a significant job  
11 and role out of the Flood Operations Center. And I'm glad  
12 to have her on board. Did a great job. And you probably  
13 have seen her on local TV for a number of years. So, a  
14 great addition and glad to have her.

15 As part of the readiness though, what we do --  
16 and I'm going to kind of break it into four or five main  
17 elements. One is just talk about coordination meetings  
18 that we do, and particularly one that we do particularly  
19 in the Central Valley, interest to The Reclamation Board.  
20 But as part of the operation of the Flood Operations  
21 Center one of the key things is actually key coordination  
22 with our response counterparts, both at the local and  
23 federal.

24 --o0o--

25 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI: And

1 what we did as common practice is to meet extensively  
2 through southern California and then in the Central  
3 Valley. Predominantly we did meet with our colleagues  
4 particularly up in the Marysville-Yuba City area. We  
5 typically meet with our Sacramento folks, which we did.  
6 And then met down with our Stockton-San Joaquin interests.

7           Besides that, we had our normal meetings with all  
8 the different Corps districts at the Corps of Engineers  
9 and headquarters. We also meet with a lot of local  
10 agencies here, including SMUD. We've also worked with  
11 OES. We work also with our public information folks. So  
12 there's a number of preseason things that we do as part of  
13 our preparedness in the event that, as Elissa shows, we do  
14 get that significant track that could occur even in this  
15 year and created significant flooding.

16           Besides the coordination meetings and our OES and  
17 et cetera counterparts, we did do -- and we got to  
18 practice emergency operation this year extensively  
19 already.

20                               --o0o--

21           HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

22           These are some photos in here that I'm providing.  
23 This is actually significant activity done by the  
24 Department of Water Resources' support of the southern  
25 California fire recovery. So we've actually been able to

1 practice our organization fairly significantly in  
2 operations for the last two to three months, two months  
3 particularly.

4           Extensively we've been actually involved in a  
5 multi-agency support group, which is essentially made up  
6 of a number of federal and state agencies. And I kind of  
7 point this out really, is that this is the kind of thing  
8 that under the big events this is the kind of organization  
9 and coordination that would be required when carrying out  
10 a large response and recovery activity if we had to be  
11 prepared.

12           So, in general, we've basically been in a role  
13 particularly. And the department at the end is what we  
14 call the bury it -- or the burn area assessment teams.  
15 We've done that. Department of Water Resources has  
16 committed up to 45 people at one time or another under  
17 missing tasking from the State OES. We've also been  
18 involved in what we call these bar task force members,  
19 which is the recovery efforts. So there's a significant  
20 of staffing resources. And we've also had ongoing  
21 coordination -- calls in coordination with all the  
22 counties down there in L.A., San Diego, San Bernardino,  
23 Riverside, and also Ventura County as high water -- or,  
24 excuse me -- high precipitation events might come. And so  
25 we've had a couple down there. We've had small incidents



1 of debris flow.

2 But, again, just kind of the readiness of the  
3 Department as a whole. This is something that would be  
4 viewed as almost like an ongoing exercise that we've had  
5 to embark on.

6 --o0o--

7 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI: From  
8 the actual readiness side here, as I talked about earlier,  
9 our incident command teams right now, in fact today, we  
10 actually have an all-day trainings of both of our Flood  
11 Operations Center and incident command teams.

12 To give you some idea about the Flood Operations  
13 Center, that's the -- what we call the Department  
14 Organizational or Operation Center or Emergency Operation  
15 Center. That's the hub. But underneath it we have our  
16 field staff. They go out and deploy in the event we have  
17 an event. And there's extensive training under the  
18 standardized Emergency Management System, SEMS or NEMS,  
19 which is the federal counterpart.

20 And so we kind of threw a picture here. That's  
21 our communication trailer. It's just one part of many  
22 assets that we have.

23 We also do the normal flood fight training  
24 courses. Those have been ongoing. We usually get at  
25 least 700 or so trained, local agencies particularly. And

1 being trained on how to do flood fight techniques. We  
2 actually did about 763 last year.

3 We've done a fair amount of that up in northern  
4 California, but we've also been working with southern  
5 California since the issues of debris flow has been a  
6 concern. And so we have tried to put some interest down  
7 there to help the communities.

8 --o0o--

9 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI: Kind  
10 of beyond the aspects of preparedness, I did want to give  
11 you probably one of the big highlights in terms of  
12 preparedness this year is the Delta itself. We actually  
13 are on the way to utilizing money in Proposition 1E, about  
14 \$10 million this year, in stockpiling additional material  
15 in the event that we have to respond to some sort of event  
16 there. This is something that would be ongoing over the  
17 next three to four months working with our Division of  
18 Engineering.

19 We actually have secured leases or utilizing  
20 existing properties at three locations, one at Hood, one  
21 at Rio Vista, and one at the Port of Stockton, Port of  
22 Stockton being probably the main hub. We're intending to  
23 put about 130 tons of rock at the Stockton facility.  
24 We're actually purchasing and building a conveyor system.  
25 We're also doing it also at Rio Vista, a property next to

1 Dutras. And you have been -- you'd like some of their  
2 facility under an agreement, putting a hundred ton of rock  
3 there, and then also at Hood. These are strategically  
4 placed in the event that we actually had a catastrophic  
5 earthquake or a high water event, that the Department  
6 would have the ability to respond in these areas.

7           We will be going into a second phase of this and  
8 working extensively with a number of agencies where we  
9 would actually put a more significant investment of  
10 pre-stockpiled material. This one is mainly just in the  
11 rock.

12           And typically what we looked at is having enough  
13 to do some key actions while we can get our supply lines  
14 in place. The nice thing about this is that we're able to  
15 get as many as eight to nine bidders that would actually  
16 provide rock in this. And the nice thing about with the  
17 facilities we're placing is that we're not dependent on,  
18 let's say, one or two, so to speak, vendors. In the event  
19 we have an emergency response, we can actually reach out  
20 and get more supply lines in here.

21           So this is part of the ongoing efforts, to be  
22 able to -- basically for three principal things in the  
23 Delta:

24           One is is actually protecting life and property,  
25 which is first and foremost as our responsibility with the

1 Department and the state.

2 But also to protect critical infrastructure, with  
3 particularly transportation corridors and infrastructure  
4 there.

5 An then, lastly, to secure the water quality in  
6 the Delta because of the operation of both the federal and  
7 state projects and local water projects that are dependent  
8 upon that.

9 So, again, our actions an the future will be to  
10 use these assets in such a way to secure I think as quick  
11 a response as possible so that we can actually meet those  
12 three broad objectives.

13 --o0o--

14 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

15 Lastly is I want to talk about just what makes it  
16 all happen. We have been -- I think Elissa alluded to it.  
17 We've done extensive modernizations. We're continuing  
18 that in terms of the Flood Operations Center and our ICT  
19 teams. This includes -- we've actually moved to our new  
20 portals. CDEC will have a different look this year. If  
21 you've gotten on there in the past, you'll see it's  
22 different. There'll be continuing improvements on how  
23 we've done that in our servers and our communication  
24 networks. So we continue to modernize our ability to  
25 operate internally.

1           More importantly, again, we've done the web  
2 casting and some other things to be able to help our  
3 communication dissimulation in the event that we do have  
4 high water and the community is well informed.

5           And then, lastly, I just put a few notes here  
6 related to just a reminder of where you can call, and the  
7 CDEC web page itself in a flood center. Again, this is  
8 standard, that we go out -- well, usually send us out to  
9 the official of the flood control directories and other  
10 things we normally do, so as a reminder that there's a lot  
11 of things that go on behind the scenes. It's just -- and,  
12 again, I think we're where we want to be this year and  
13 we'll continue to be modernizing over the next few years  
14 since we've been infused with additional dollars over the  
15 last couple of years. And I think we'll start seeing some  
16 of that bear out over the next, like I said, period that  
17 you'll see in the next five or so.

18           BOARD MEMBER BROWN: Can you briefly explain how  
19 the proposed flood improvements will help improve flood  
20 control along the American River at Folsom?

21           HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

22           Okay. Well, a couple things that we would see on  
23 the American. There's a number of projects that are lined  
24 up there. Some are related to what's happening with, say,  
25 the Folsom complex itself and reservoir management. And

1 of course there's number of projects that I know you're  
2 familiar with. And then beyond that is the actual levee  
3 improvements downstream, both on the American and on the  
4 Sacramento system.

5           What we would -- you know, obviously, the --  
6 starting from the American, when we look at the American  
7 improvements, some of the critical things and what we've  
8 been doing as a department, part of it in fact fit to this  
9 topic of readiness. And we've been doing improved  
10 decision support of reservoir management. We've already  
11 got a project underway with the Department of Water  
12 Resources on Oroville and with Yuba County Water Agency on  
13 the Yuba River. That same infrastructure according to  
14 reservoir forecasts, according to reservoir operation is  
15 the system we're going to be using on the American working  
16 with the Corps of Engineers and the Bureau of Reclamation.  
17 So it will be the Department of Water Resources along with  
18 the many counterparts on the federal agencies and the  
19 National Weather Service collectively actually being able  
20 to put I think a better way of doing the operations of  
21 that complex for increased flood control. So that would  
22 be one key element.

23           The second key element is our ability to assess  
24 the downstream risks in improvements. Obviously the levee  
25 evaluation work that's currently underway, along with the

1 proposed improvements that I think will be coming over  
2 time, the Board, and I think you had some discussion of  
3 that earlier. We would foresee that that information --  
4 we'll have that ability to have that information within  
5 the Flood Operations Center and we're going to hope that  
6 those improvements actually reduce the risk over time.

7 BOARD MEMBER BROWN: Yeah, I understand the  
8 downstream maintenance and operations improvements. I  
9 meant specifically at the dam and reservoir itself.  
10 There's the Matsui bill and, I don't know, several million  
11 dollars that's been set aside now by federal government to  
12 address the facilities itself. Do you know what that is?

13 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

14 Well, I think -- I'm going to give you where  
15 we're at right now. I mean the key initial project there  
16 is just actually getting the spillway portion of the  
17 project in place. And I think with that additional  
18 flexibility that spillway brings, we're working right  
19 now -- we had had fits and starts because of funding  
20 variability that we've had in the previous few years. But  
21 I'm seeing right now that it'll be the concerted effort to  
22 get to the port over the next five years where we can  
23 actually change and upgrade the flood control manual that  
24 will codify the kind of work there that will be done,  
25 we'll have the kind of folks I was talking about.

1           And so we're at the early stages about how to  
2 maximize that. There was work done early on in the  
3 feasibility level about how we could get those benefits.  
4 But the actual getting it into the reservoir manual itself  
5 and actually having the operational system in place is  
6 something to be worked out over the next few years.

7           And I don't know if I'm catching -- the general  
8 strategy, as we all know, is to try to pre-release water  
9 in and ahead of the -- and how much can we do without  
10 risking, you know, the other side? And so it's going to  
11 be an aspect of the certainty that we have in our  
12 forecasting and how can we maximize with the knowledge and  
13 skill base that we currently have. And I think what  
14 you'll see is that it will be evolving over time. As  
15 forecasting, our abilities to do that improve, we're  
16 hoping to have that actually institutionalized that we can  
17 take that in and have some flexibility in that res  
18 management.

19           PRESIDENT CARTER: Mr. Brown, I should be more  
20 familiar with this project than I am. I can't recite  
21 specifically off the top of my head what they're doing out  
22 there. But there are some specific modifications to the  
23 dam that they're doing, one of which Mr. Bardini  
24 mentioned, which is the addition of two new release gates  
25 and a new spillway. There's been -- what I'll do -- so



1 there's modifications to the dam. There's also -- the  
2 Bureau of Reclamation is talking about revising its  
3 operation of the way it operates the reservoir for public  
4 safety and a flood control element.

5           So what I'll do is ask Jay to get you the latest  
6 update on that project in terms of what the elements are,  
7 the pieces that we're involved as the non-federal sponsor  
8 of this joint federal project, which they call, has to do  
9 with the flood control pieces of that. We're not really  
10 involved in the other aspects of this project and there  
11 are several.

12           But we'll get you the latest information.

13           BOARD MEMBER BROWN: Thank you, Mr. Chairman.

14           PRESIDENT CARTER: I apologize. I don't know all  
15 of that off the top of my head.

16           HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI: Any  
17 other questions?

18           All right. We'll go ahead and turn it over to  
19 Jeremy for the inspection side.

20           MR. ARRICH: Good afternoon, President Carter and  
21 members of the Board. Thank you for listening to me  
22 today.

23           I'm going to talk about the Central Valley Flood  
24 Control System inspection activities over the course of  
25 the year 2007.

1           PRESIDENT CARTER: Could you identify yourself.

2           MR. ARRICH: Oh, I'm sorry. My name is Jeremy  
3 Arrich with Department of Water Resources, Flood Project  
4 Integrity and Inspection Branch.

5           Thanks for reminding me. I unintentionally  
6 skipped over that part.

7           (Thereupon an overhead presentation was  
8 Presented as follows.)

9           MR. ARRICH: We typically perform annual  
10 inspections of what we call unleveled project channels.  
11 There's been 25 channels throughout the Flood Control  
12 Project that are not leveled -- don't have project levees  
13 associated with them, although they may have private  
14 levees. But they are a part of the Flood Control Project.  
15           So we do separate inspections, because typically  
16 they're off the beaten path of the levee systems. So we  
17 completed the channel inspections earlier in the spring.  
18 There is a report available.

19           Similarly on the major flood control structures  
20 that are outside of the typical structures that we see  
21 along the levee systems, there's about 56 major structures  
22 that we inspected.

23                               --oOo--

24           MR. ARRICH: Another accomplishment, I'll say, is  
25 the self-inspection program that we implemented last year.

1 I may have mentioned last year that there was about 15  
2 to -- less than 20 percent compliance, where we ask the  
3 local maintaining agencies to conduct the summer and  
4 winter inspections to achieve the 90-day inspection  
5 requirement. And this last summer we were able to get 65  
6 percent of the districts to actually do the inspections  
7 and submit a report to us. And it was as simple as having  
8 them fill out a check box saying that they looked at their  
9 levees, and then they listed any deficiencies that they  
10 may have found.

11           So we tried to make it easy to see how much we  
12 could get in terms of compliance. And I think it just  
13 encourages the locals to get out there and start looking  
14 at their levees a little bit more often.

15           In regard to erosion surveys and repairs, during  
16 the summer of 2006 DWR initiated an effort to go out and  
17 do waterside erosion surveys from -- essentially from a  
18 boat of the San Joaquin Flood Control Project.  
19 Historically Ayres Associates has done work for the Corps  
20 under the Sacramento Bank Protection Program where they do  
21 their erosion surveys in the Sacramento system. But the  
22 San Joaquin system hadn't been looked at, as far as I  
23 know, in the past.

24           This past summer of 2007 we completed the  
25 remainder of the levees that we could not access by boat.

1 We went by land and foot and essentially covered a hundred  
2 percent of the San Joaquin Flood Control System with  
3 regard to where the project levees are. And we turned the  
4 results of those erosion surveys over to the Levee Repairs  
5 Branch under the Levee Evaluations Office. And they took  
6 the most critical sites, and they're considering some of  
7 those for repair under the Critical Repairs Program.

8           So in total between the Sacramento and San  
9 Joaquin systems we have about 503 or so erosion sites  
10 identified. And it looks like about 136 sites have been  
11 repaired to date. And the Erosion Repair Program will  
12 continue on into the next several years. And part of that  
13 is wrapping up the repairs from the PL 84-99  
14 rehabilitation assistance from the '06 high water events.

15                               --o0o--

16           MR. ARRICH: We completed -- earlier in the  
17 spring we completed our levee inspections. And I only  
18 highlight there here because we -- one of the key things  
19 we did, we documented the presence of trees and vegetation  
20 on the levee system, just said that from this levee mile  
21 to this levee mile trees and vegetation exist, just as a  
22 very crude level assessment of how much vegetation is on  
23 the levee system. And that stemmed from the Corps of  
24 Engineers white paper on their policy on vegetation on  
25 levees, which essentially said that there is no vegetation

1 allowed and nothing other than grasses or sod that are  
2 less than 12 inches in height.

3           Since then we've completed the fall inspections  
4 as of last week. We're currently working on the overall  
5 ratings for that. Let me step back.

6           The difference in the fall inspections that we  
7 did from the spring is that we didn't just document the  
8 presence of vegetation. We documented based on the  
9 criteria shown on this diagram, which essentially says  
10 that we expect the districts to prune and thin trees up to  
11 five feet for visibility and access during inspections and  
12 flood fights.

13           We worked with resource agencies through the  
14 collaborative group, had a subgroup called the Variance  
15 Subgroup. And they developed -- they came up with this  
16 criteria, working with the Corps, resource agencies, and  
17 DWR, to come to some sort of interim inspection criteria  
18 that we could implement while the Corps is considering  
19 revisions to their vegetation criteria.

20           So basically the upper 20 feet of slope length of  
21 the waterside levee must be thinned and -- trimmed up five  
22 feet and thinned out. Beyond that 20 feet currently as an  
23 interim guidance we're letting them -- we're letting as  
24 much vegetation grow there as exists. Although we're  
25 encourage maintainers, if they're already keep the slopes

1 cleared, to keep maintaining it that way.

2           On the land side it needs to be clear all the  
3 way -- for visible and accessible all the way past ten  
4 feet on the waterside toe. And that covers generally The  
5 Rec Board easement on the land side.

6           The other key thing we've done is document the  
7 presence of encroachments throughout the system that again  
8 obstruct visibility or access during flood fights, and  
9 other ones that may just pose a threat to the levee  
10 integrity. And we did not consider if these encroachments  
11 had a Rec Board permit or not, because it's a huge effort  
12 to go out and actually assess which encroachments have  
13 permits and which ones don't. So we strictly looked at it  
14 from a compliance requirement from an inspection  
15 standpoint.

16           So if we documented encroachments that have  
17 permits, we documented them for a good reason. And that's  
18 because they're not complying with the permit conditions  
19 or maybe they shouldn't have had a permit to begin with.  
20 That's an issue that needs to be addressed in the future  
21 systematically, and currently resources aren't available  
22 to do that.

23           We plan to have the annual maintenance ratings  
24 assigned by December 31st. And then hopefully the  
25 following week we will submit the result to the Corps of

1 Engineers.

2 --o0o--

3 MR. ARRICH: In general, maintenance has improved  
4 as a result I think of the attention on vegetation, and  
5 the Corps coming down through Memo 43 with some districts  
6 losing eligibility for PL 84-99 rehabilitation assistance.

7 However, there's a big "but" there. The  
8 vegetation is still a major issue. The Corps has not  
9 provided anything in writing to the Department in terms of  
10 their final policy. It seems like that the Corps wants to  
11 work with the resource agencies in California, is what  
12 they've stated publicly. But I don't see that they're  
13 going to change on their vegetation policy.

14 So, again, we haven't seen that in writing yet.  
15 But indications look like they're going to hold strict to  
16 clear levees.

17 Another major issue, as I mentioned a few moments  
18 ago, encroachments that obstruct visibility and access  
19 exist throughout the system mainly on the water side --  
20 or, excuse me -- the land side levee along the toe  
21 easement. And they need to be addressed on a systematic  
22 basis. And I think focusing on the individual  
23 encroachments is not going to solve the problem. We need  
24 to go out and look at the system as a whole and address  
25 these that way.

1           The maintenance ratings -- annual ratings are not  
2 quite out yet, as I mentioned. But some districts will  
3 likely receive unacceptable ratings, primarily due to  
4 vegetation and encroachments.

5           We've seen a positive reaction from the  
6 districts. We've done joint inspections with them.  
7 They -- most districts have actually wanted to go. And  
8 after we did joint inspections with them in the spring,  
9 they requested that they attend the inspections with us in  
10 the fall.

11           In the past, the joint inspections weren't  
12 comprehensive inspections. The way we've done it in the  
13 spring and the fall is we've actually let the district  
14 representative ride along with our inspector. As they're  
15 doing the complete levee inspection, documenting it,  
16 they're asking questions and getting the information  
17 straight from our levee inspectors with regard to what  
18 they're looking at. So I think that's help to the  
19 districts to understand what we expect them to do in terms  
20 of maintenance, and we hope that they continue to  
21 participate in that program.

22           That's pretty much it on the inspection side.  
23 Other than that, there's just been -- throughout flood  
24 management there's been a lot of data collection, which I  
25 think will help in terms of geotechnical investigations.



1 Topographic and bathymetric surveys being done. A lot of  
2 data collection in all regards, and will help us in the  
3 future to have a better handle on what the status of the  
4 flood control system. And maybe in the future we'll have  
5 more information to present to the Board in that regard.

6 SECRETARY DOHERTY: Is there a central  
7 clearinghouse for all this information, where it's going?  
8 Is somebody inputting all of it?

9 MR. ARRICH: There will be. We're working on the  
10 infrastructure to develop a system through the Hydrology  
11 and Flood Operations Office, which is Gary's office, to  
12 basically house and maintain that data -- all the data  
13 that's being collected over the long term. So as programs  
14 come and go, we're going to be building infrastructure  
15 that can be populated and maintained.

16 PRESIDENT CARTER: Mr. Brown.

17 BOARD MEMBER BROWN: I'm a little surprised at  
18 what seems to be a leniency of trees that are allowed to  
19 grow on both sides of the levees. I know your Division of  
20 Safety and Dams was really adamant about not having any  
21 woody plants on the base of earth-filled dams or  
22 reservoirs due to the concern of piping and such by plants  
23 that may die out and the structures along with it. How is  
24 that? Some of the worst erosion I've seen on the levees  
25 have occurred around trees that were allowed to continue

1 to grow on the waterside.

2 MR. ARRICH: Yeah, it's definitely a concern.

3 There's arguments on either side of the table in terms of  
4 in some cases vegetation and trees can benefit in terms of  
5 erosion protection, in other cases if the roots get  
6 exposed it can cause increased erosion.

7 There are conflicts -- you know, the Corps of  
8 Engineers has programs to do mitigation on levees which is  
9 in direct conflict with other policies they have that say  
10 no vegetation or trees on levees. So that's a big  
11 challenge that we have in regard to Corps of Engineer  
12 policies.

13 The other side -- some of the mature trees, a lot  
14 of them existed when the flood control system was turned  
15 over to the state. And that's something that should be  
16 looked into to compare to the existing conditions and do a  
17 comparison with regard to what trees have been planted and  
18 grown since then. But --

19 BOARD MEMBER BROWN: What's your policy today  
20 about -- anything new that comes in, do you take it out or  
21 let it grow?

22 MR. ARRICH: Well, I think there's a certain  
23 requirement where districts are allowed to remove trees  
24 that are less than maybe two inches in diameter. There's  
25 certain restrictions on elderberries. But they cause the

1 same problem as other wild vegetation that's growing on  
2 the levee slopes.

3           We don't have a policy in our program with regard  
4 to, you know, planting trees on levees. It's really The  
5 Rec Board, that someone would get a permit through The Rec  
6 Board. And if they allow trees on levees, then that's how  
7 some of these trees -- you know, if it's permitted, then  
8 it would be through the Reclamation Board permit process.  
9 Otherwise it would be unauthorized encroachments, which  
10 we've seen some of. And when we see them, we try to  
11 address them and get them removed at the earliest stages.

12           BOARD MEMBER BROWN: I don't think any are  
13 intentionally planted on the waterside, is there?

14           MR. ARRICH: People plant trees all the time.

15           BOARD MEMBER BROWN: On the inside of levee?

16           MR. ARRICH: People live on the inside of levees,  
17 you know, along the Sacramento River. And, you know, some  
18 people go through the permit process and other people do  
19 not.

20           So when we see that happen, we notify the local  
21 maintaining agency to try to remove it at a lower level.  
22 If it needed to be elevated to The Reclamation Board, then  
23 we would come to you for action to actually enforce your  
24 authority to remove the encroachments.

25           PRESIDENT CARTER: This kind of whole topic of

1 vegetation on the levees is something that the Interagency  
2 Collaborative Forum is trying to address as well as the  
3 levee roundtable, which began meeting in August of this  
4 year, of which I participated in as well as Rose Marie  
5 from The Reclamation Board. And it's really trying to  
6 have collaborative discussions amongst the resources  
7 agencies and the levee maintaining agencies, including the  
8 Corps and in the context of their white paper that came  
9 out last year, and trying to put some science against --  
10 or towards a lot of the theories that are out there. And  
11 so that's an ongoing effort.

12 I believe the next roundtable meeting is in early  
13 January. I believe it's January 4th or January 7th.

14 GENERAL MANAGER PUNIA: January 4th.

15 PRESIDENT CARTER: January 4th. So we're  
16 attempting to wrestle with that and get some consensus in  
17 terms of what is the appropriate thing from a public  
18 safety perspective as well as a resources perspective.  
19 And there's going to be some compromise, I think, on both  
20 sides.

21 MR. ARRICH: I hope so.

22 PRESIDENT CARTER: Any questions for Jeremy?

23 Thank you.

24 MR. ARRICH: Thank you.

25 FLOOD MAINTENANCE OFFICE ACTING CHIEF LERNER:

1           Good afternoon, President Carter, General Manager  
2   Punia, and members of the Board. My name's Noel Lerner.  
3   I'm the Acting Chief of the Flood Maintenance Office. And  
4   I'll be presenting a summary of what we've done to prepare  
5   for this flood season.

6           For those of you new to the Board I'll take a  
7   minute and just describe the area that our office manages.  
8   The area we're responsible for relates to the Sacramento  
9   River Flood Protection Project. There are a number of  
10   levees that by state law that the Department of Water  
11   Resources is required to maintain. They include bypasses  
12   and Cache Creek. And we're also required to maintain  
13   channel capacity in the bypasses and the flow channels.

14          I included in your packet under Agenda Item 11 on  
15   pages 7, 8, and 9 for the flood season readiness briefing  
16   three pages that go into detail of what we've  
17   accomplished. I won't read that list to you. But I've  
18   prepared what I think are highlights from that.

19          (Thereupon an overhead presentation was  
20          Presented as follows.)

21          FLOOD MAINTENANCE OFFICE ACTING CHIEF LERNER:

22          And our office has three branches. I'll try and  
23   make this quick, because I think it's getting long. But  
24   our office has three branches. There's the Sacramento  
25   yard -- maintenance yard, the Sutter maintenance yard.

1 They do their own work in clearing and working on the  
2 levees. And they're also supported by the Maintenance  
3 Support Branch, which does the engineering and the  
4 permitting. And they do several projects with the  
5 Division of Engineering, one of which was the Tisdale  
6 project.

7 --o0o--

8 FLOOD MAINTENANCE OFFICE ACTING CHIEF LERNER: I  
9 divided my summary into two areas. One that I consider  
10 non-routine maintenance. These are maintenance activities  
11 but they're not done every year. They're extraordinary.  
12 And one accomplishment was replacing about \$1.7 million in  
13 new equipment. And that's for mowers, dump trucks,  
14 transfer trucks, and a number of other pieces of equipment  
15 that allow us to be more productive and cover more areas.

16 Sediment removal. We just completed the end of  
17 November removing 1.75 million cubic yards of sediment  
18 from Tisdale Bypass, which was a major accomplishment in  
19 which this Board played an active role in helping us go  
20 through the permitting process. And you'll be hearing  
21 tomorrow another item related to that project, a  
22 mitigation site that we're required to create near Colusa  
23 to pay for the mitigation for removing trees from the  
24 bypass.

25 We've also completed with our partner, Sutter

1 Creek -- Sutter County, replacing a bridge on O'Bannion  
2 Road. And there's a -- we're going to be replacing -- the  
3 picture you see of Tisdale, the picture on the far right,  
4 is the clear Tisdale Bypass, and it's taken from the  
5 Sacramento River. And what you see is the Tisdale Weir  
6 with what's called the Garmire Bridge over the weir. That  
7 bridge is being replaced with a new bridge with much wider  
8 spans that will allow, we think, with the completion of  
9 the Tisdale sediment removal and the new bridge, about  
10 32,000 cfs to go through the bypass, which is very close  
11 to its design capacity. So we're excited about both those  
12 projects.

13           The Tisdale -- the Garmire Road bridge  
14 replacement was bid last November. We had been waiting  
15 for federal funding. That's going to come in the  
16 beginning of the year. The MCM is the contractor that's  
17 been awarded. And on January 10th we expect the contract  
18 to be signed.

19           The construction came in quite a bit below the  
20 engineer's estimate. In tracking the engineer's estimate,  
21 it was about 9.5 million the design engineer estimated in  
22 2006. Then a few months ago the construction management  
23 firm updated the estimate to 8.5, I believe. And I think  
24 it came in close to 8 million. So I think we're seeing --  
25 and the good news is our capital improvement projects are

1 coming down in price. I think the bad news is it may be a  
2 reflection of our economy as a whole. But at least it's  
3 helping us out right now.

4 Facility repairs. A big project we just  
5 completed was the rebuilding of motors and impellers for  
6 three of the Sutter Bypass pumps. These pumps take  
7 interior drainage from Sutter County and pump it into the  
8 bypass. And that was a two-year program. I think we had  
9 about nine pumps we rebuilt over those two years. They're  
10 fully operational now.

11 The next phase of the rehabilitation is we're  
12 putting in an updated motor control system for that so we  
13 can control them remotely. Right now we have to operate  
14 them manually, which means send crews out during the  
15 winter to operate them.

16 --o0o--

17 FLOOD MAINTENANCE OFFICE ACTING CHIEF LERNER:

18 Now, I consider these are routine maintenance  
19 operations basically, keeping the levees toe roads, crowns  
20 in good condition, and performing channel maintenance.

21 In terms of emergency preparedness, in the fall  
22 of every year our yards make sure their crews have had  
23 their flood control training completed, especially for new  
24 employees. They also go through their inventories, their  
25 flood fighting equipment inventories, and restock if



1 necessary, and that's been done.

2           Also this year, we did meet -- and I had members  
3 of both yards and key people meet with Bill Croyle at the  
4 Flood Control Center and discuss how we can improve  
5 communication and the use of our maintenance yard staff  
6 during flood season and integrate them more with the FOC.  
7 And that was well received on both sides, and we're going  
8 to continue those discussions.

9           Levee maintenance. I mentioned one of our  
10 accomplishments was getting new equipment. And the new  
11 mowers made a difference. We estimate that they're  
12 probably 25 percent more efficient. And what that means  
13 is not only can we do the work quicker, but those crew  
14 members that are available then can lead CCC crews and CDF  
15 crews in our channel clearing activities. And that's  
16 really important because of how we have to do our channel  
17 clearing these days, using a lot of hand-held equipment.  
18 It's manpower intensive. And we need our staff to work  
19 closely with the CCC and CDF crews. And we've gotten into  
20 some new areas this year: Elder Creek; and we're doing a  
21 major clearing in Cache Creek settling basin.

22           And in terms of channel maintenance, we've  
23 cleared 2,415 acres. And we're hoping to see that  
24 increase over the years, again as we get new equipment.  
25 As we clear out areas like Fremont Weir and Tisdale

1 Bypass, it will be less intensive to go back in future  
2 years to keep on top of it and we can clear out new areas  
3 and just keep expanding our program.

4           And, finally, rodent control. We've had -- in  
5 the Sacramento maintenance yard, they last year had a new  
6 pump rig where they could grout the rodent holes. And I  
7 think two years ago is when they started. And this  
8 equipment, plus their baiting program, allowed them to  
9 reduce the number of holes they had to clear from 3,000 a  
10 year ago to 1800 this year. And that's a significant  
11 reduction.

12           We've built a new trailer for the Sutter yard and  
13 they'll be using that next year. So we think that rodent  
14 control will continue to be an aggressive program.

15           And that's it. Are there any questions?

16           PRESIDENT CARTER: Any questions for Mr. Lerner?

17           Thank you.

18           Mr. Bardini, does that conclude the status of  
19 flood control projects?

20           HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI: Yes.  
21 Again, Gary Bardini, Chief of Hydrology Flood Operations.  
22 That does conclude our presentation.

23           If there's any other comments from the Board, we  
24 certainly will answer.

25           PRESIDENT CARTER: Any other questions?

1           VICE-PRESIDENT HODGKINS: I'd just like to thank  
2 you and your staff for coming down and taking the time to  
3 kind of let us know how things are going out there.

4           I also have to say, it's a pleasure to find out  
5 that television weather people are really meteorologists.  
6 I mean they're scientists.

7           SENIOR METEOROLOGIST LYNN: Only some.

8           (Laughter.)

9           VICE-PRESIDENT HODGKINS: Only some. Okay.

10          Thank you.

11          HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

12          Yeah, thank you very much.

13          PRESIDENT CARTER: Very good.

14          All right. Ladies and gentlemen, I know it says  
15 we're going to adjourn, but we're not quite ready for that  
16 yet. We have one more fun thing to do.

17          So if I may ask Mr. Harter to join me at the  
18 podium.

19          You want to come down too?

20          The Board wanted to recognize Dr. Les Harder for  
21 his many years of service. And we do have a resolution to  
22 present to him.

23          On a personal note, I've had several  
24 opportunities to work with Dr. Harder on various issues.  
25 Dr. Harder impressed me extremely on his technical

1 capabilities. But what impressed me most was how much of  
2 a gentleman he was in interacting with the folks that were  
3 parts of these meetings. And he was truly a refined  
4 gentleman, unlike what I witness on many cases,  
5 particularly up in the country where I come from.

6 (Laughter.)

7 PRESIDENT CARTER: In any case, I wanted to read  
8 this for you, Les.

9 This the Resolution No. 0710. And it says:

10 "Whereas, Dr. Les Harder retired  
11 from the California Department of Water  
12 Resources on December 7th, 2007, after  
13 29 years of service; and

14 "Whereas, Dr. Harder coordinated the  
15 project levee repairs of the critical  
16 erosion sites and negotiated a  
17 state/federal MOU for an expedited  
18 environmental permitting process for the  
19 benefit and safety of the citizens of  
20 the state; and

21 "Whereas, Dr. Harder's leadership  
22 and expertise on geotechnical  
23 engineering, levee vegetation, and  
24 federal/state sponsorships greatly  
25 assisted the Board with their task force

1 efforts; and

2 "Whereas, Dr. Harder provided  
3 invaluable assistance to the Board in  
4 project implementation, permitting,  
5 coordination with the Army Corps of  
6 Engineers, and education of flood risks  
7 for the benefit of the state and its  
8 citizens; and

9 "Whereas, Dr. Harder provided  
10 invaluable assistance to the Board staff  
11 in encroachment issues and permitting of  
12 encroachments on the state's flood  
13 control system; and

14 "Whereas, Dr. Harder's high degree  
15 of professionalism and knowledge has  
16 earned him the trust and respect of the  
17 Board members, staff, and members of the  
18 public.

19 "Now, Therefore, Be It Hereby  
20 Resolved, that we extend to Dr. Les  
21 Harder our highest commendation and our  
22 most sincere appreciation for his  
23 service to The Reclamation Board and the  
24 State of California; and

25 "Be It Further Resolved, that the

1 Board extends its most sincere wishes to  
2 Les Harder as he continues on his  
3 personal endeavors; and

4 "Be It Further Resolved, that this  
5 resolution be engrossed in the official  
6 minutes of the Board and a suitable copy  
7 provided to Dr. Les Harder.", which we  
8 have here.

9 And, again, this is dated today's date, signed by  
10 myself and Secretary of The Reclamation Board, Maureen  
11 Doherty.

12 Les, thank you so much.

13 (Applause.)

14 GENERAL MANAGER PUNIA: Jay Punia General Manager  
15 of the State Reclamation Board.

16 During my 28 years of state service I had worked  
17 with various DWR managers, as a co-worker and who were my  
18 supervisors. They were all very hard working. But no one  
19 comes close to Les Harder.

20 I have still in my Email box Emails from Les,  
21 1:45 a.m., middle of the night, 2 a.m. And not only --  
22 and those Emails were not coming from home. They were  
23 coming from his office.

24 And then not only there's Email. Then on 7 a.m.  
25 if we had a briefing on the flood emergency, he was there

1 in the meeting, fresh and ready to go for another day.

2           And then he kept the bar so high and he pushed  
3 other -- his subordinates to the same level. I think  
4 since June of 2004, the Jones Tract levee broke, I've been  
5 working with Les. And I think he's pushing his staff and  
6 pushing it and trying to extract the best out of them.  
7 And I think it's a fine example of a public servant. I  
8 think it's tough to match, and I think he will be greatly  
9 missed. And it's a big loss to the state for his early  
10 retirement from state service.

11           Les, I enjoyed working with you and learned a lot  
12 of things from you. Thank you very much.

13           (Applause.)

14           DR. HARDER: President Carter, members of the  
15 Board, and staff. Thank you very much. This is really a  
16 surprise and it's very nice. I very much appreciate it.

17           I've enjoyed working with the Board on all sorts  
18 of challenging issues in the last few years. And with a  
19 lot more money now to spend, it has all these  
20 opportunities. But you're going to have always more  
21 challenges. And with the new reorganization of the Board  
22 and a new name and new members, I very much encourage you  
23 to keep the hard work you've been doing. And I think, you  
24 know, there's great success that lies ahead of you. And I  
25 hope to see you and work with you on many future

1 endeavors.

2           And thank you very much for this honor. I very  
3 much appreciate it.

4           PRESIDENT CARTER: Thank you. Thank you for all  
5 you've done.

6           Mr. Punia.

7           GENERAL MANAGER PUNIA: Board Member Teri Rie had  
8 to leave early. She expressed that she wanted to express  
9 her gratitude to Les Harder, and she really appreciated  
10 working with you.

11           PRESIDENT CARTER: All right. Ladies and  
12 gentlemen, if there is nothing further, we will adjourn  
13 for today. I want to remind everyone that we are back  
14 here again, same place, 9 a.m., we will call the roll and  
15 continue our agenda as published.

16           So with that, we are adjourned for today.

17           Thank you.

18           (Thereupon the Reclamation Board open  
19 session meeting adjourned at 3:10 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing Reclamation Board open session meeting was  
7 reported in shorthand by me, James F. Peters, a Certified  
8 Shorthand Reporter of the State of California, and  
9 thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said meeting nor in any  
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 7th day of January, 2008.

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22 JAMES F. PETERS, CSR, RPR

23 Certified Shorthand Reporter

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